

**MINUTES
PLANNING COMMISSION
116 WEST NEEDLES
BIXBY, OKLAHOMA
April 20, 2015 6:00 PM**

In accordance with the Oklahoma Open Meeting Act, Title 25 O.S. Section 311, the agenda for this meeting was posted on the bulletin board in the lobby of City Hall, 116 W. Needles Ave., Bixby, Oklahoma on the date and time as posted thereon, a copy of which is on file and available for public inspection, which date and time was at least twenty-four (24) hours prior to the meeting, excluding Saturdays and Sundays and holidays legally declared by the State of Oklahoma.

STAFF PRESENT:

Erik Enyart, AICP, City Planner
Patrick Boulden, Esq., City Attorney

OTHERS ATTENDING:

See attached Sign-In Sheet

CALL TO ORDER:

Chair Thomas Holland called the meeting to order at 6:17 PM.

Chair Thomas Holland recognized the large attendance and asked if those in attendance would consider designating a spokesperson, limit their comments to approximately three (3) minutes apiece, and, if someone before said one thing, that subsequent speakers not repeat so as to avoid redundancy.

ROLL CALL:

Members Present: Larry Whiteley, Jerod Hicks, Steve Sutton, Lance Whisman,¹ and Thomas Holland.

Members Absent: None.

CONSENT AGENDA:

1. Approval of Minutes for the March 25, 2015 Special Meeting

Chair Thomas Holland introduced the Consent Agenda item and asked to entertain a Motion. Larry Whiteley made a MOTION to APPROVE the Minutes of the March 25, 2015 Special Meeting as presented by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

¹ In at 6:27 PM due to a traffic incident on the Memorial Dr. bridge, which traffic incident also caused other Commissioners to arrive late and the meeting to be called to order late.

ROLL CALL:

AYE: Holland, Whiteley, Sutton, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 4:0:0

PUBLIC HEARINGS

2. **BZ-379 – JR Donelson for Bill J. Ramsey Trust.** Public Hearing, Discussion, and consideration of a rezoning request from AG Agricultural District and CG General Commercial District to CS Commercial Shopping Center District for approximately 14 acres in part of the N/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E.
Property located: 12200-block of S. Memorial Dr.
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Chair Thomas Holland introduced the item and clarified with Erik Enyart that items # 2 and # 3 were related.

Chair Thomas Holland proposed, and JR Donelson and Erik Enyart agreed that the two items could be combined, introduced, and discussed simultaneously.

3. **BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP.** Public Hearing, Discussion, and consideration of a rezoning request from CS Commercial Shopping Center District, OL Office Low Intensity District, and RS-3 Residential Single-Family District to CS Commercial Shopping Center District for approximately 19 acres in part of the S/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E.
Property located: 12300 S. Memorial Dr.
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Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Reports and recommendations.

Erik Enyart summarized the Staff Reports for both BZ-379 and BZ-380 as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Wednesday, April 08, 2015
RE: Report and Recommendations for:
BZ-379 – JR Donelson for Bill J. Ramsey Trust

LOCATION: – 12200-block of S. Memorial Dr.
– Southwest corner of the intersection of 121st St. S. and Memorial Dr.
– Part of the N/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E
LOT SIZE: 14 acres, more or less
EXISTING ZONING: AG Agricultural District and CG General Commercial District
EXISTING USE: Agricultural
REQUESTED ZONING: CS Commercial Shopping Center District
SUPPLEMENTAL ZONING: Corridor Appearance District (partial)
SURROUNDING ZONING AND LAND USE:

North: CS & CG and (across 121st St. S.) CS, CS/PUD 73, & CS/OL/PUD 51; A 1.6-acre agricultural tract zoned CS, the My Dentist Dental Clinic zoned CS in Lot 1, Block 1, Braums Addition, and the Pizza Hut on unplatted land zoned CG, all separate parts of the subject property from 121st St. S. Farther north across 121st St. S. are commercial businesses and vacant platted lots in Bixby Centennial Plaza and the Nowlin Orthodontics and The Eye Center South Tulsa businesses zoned CS/PUD 73 in Bixby Centennial Plaza II, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

South: CS, OL, RS-3, CG, AG, & CG/PUD 76; A 19-acre tract containing the Easton Sod sales lot and agricultural land zoned CS, OL, & RS-3; farther south is agricultural land zoned CG and AG; to the southwest is a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

East: CG & CS and (across Memorial Dr.) CS, CS/RM-3/OL/PUD 81, & CS/RM-1/PUD 6; The My Dentist Dental Clinic zoned CS in Lot 1, Block 1, Braums Addition and the Pizza Hut zoned CG separate parts of the subject property from Memorial Dr. Across Memorial Dr. to the east is a roughly 12 ³/₄-acre CS district containing commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr.; farther east and to the southeast are 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 "Chateau Villas PUD." To the northeast, north of 121st St. S. is commercial in the Town and Country Shopping Center, including a planned QuikTrip store, and farther northeast is the duplex-style condo/apartments and vacant lots zoned CS/RM-1/PUD 6 in Memorial Square.

West: CS & CG/PUD 76; A 1.6-acre agricultural tract zoned CS and a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area/Vacant, Agricultural, Rural Residences, and Open Land + Corridor

PREVIOUS/RELATED CASES: (not necessarily a complete list)

BZ-130 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for rezoning from AG to CS for that part of the subject property later platted as Braums Addition – PC Recommended Approval 01/31/1983 and City Council Approved 02/07/1983 (Ord. # 473).

BL-79 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for Lot-Split to separate the future Braums Addition land from the subject property – PC Recommended Approval subject to BZ-130 01/31/1983 and City Council presumably Approved in February, 1983.

Preliminary and Conditional Final Plat of Braums Addition – Request for Preliminary and Conditional Final Plat approval for Braums Addition, which may have separated same from subject property per ownership as listed on the plat – PC Conditionally Approved 02/28/1983 and City Council presumably Approved (Plat # 4351 recorded 05/26/1983).

PUD Requirement Waiver for Ramsey & Easton Properties – JR Donelson of JR Donelson, Inc. – Request for a Temporary Waiver of the PUD requirement of Zoning Code Section 11-5-2 for the subject property and the Easton property abutting to the south at 12300 S. Memorial Dr. – City Council Approved 02/23/2015 subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BBOA-11 – Richard Ketchum for Tri-Kay Developers, Inc. – Request for [Variance] from bulk and area standards for the Town and Country Shopping Center on All of Block 18, Southern Memorial Acres Extended to the northeast of subject property – ("amended application" received 12/26/1972 deleted the additional request for a Variance from the off street parking requirements). Bulk and area standards requested for Variance appear to have been from Zoning Ordinance Section 6.3A "Waive the 2 acre maximum" lot area standard and Section 6.4 "Change the Floor area ratio from (1 to 4) to (1 to 3 ¹/₂)" in the C-1 District – BOA Approved 01/16/1973 "to change the floor area from (1 to 4) to (1 to 3 ¹/₂)" per case notes and a draft letter found in the case file (Minutes not found for any BOA meetings in 1973).

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the east of subject property – PC on 01/27/1975

recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the south of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BL-42 – William C. Kelley – Request for Lot-Split approval to approve the separation of the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E, abutting subject property to the east, into two (2) tracts as conveyed to Pizza Hut – PC Recommended Approval 06/26/1978, subject to deed restriction requiring their combined future conveyance, and City Council Conditionally Approved as per PC recommendation 07/11/1978.

BL-44 – J.W. “Rocky” Lewis for Pizza Hut, Inc. – Request for Lot-Split approval to approve the separation of the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E, abutting subject property to the east, into two (2) tracts as conveyed to Pizza Hut – Per 02/26/1979 PC Minutes it was Continued to the next meeting; per case notes, PC “Tabled indefinitely due to existing building being located on proposed split line” on 02/26/1979.

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center, all for 20 acres across Memorial Dr. to the east of subject property – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BBOA-75 – Jack Spradling for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E abutting subject property to the east (related to Lot-Split) – BOA Denied 07/08/1980.

BL-78 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Lot-Split approval to separate into two (2) tracts the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E, abutting subject property to the east – PC Denied 11/29/1982.

BBOA-111 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E abutting subject property to the east, pursuant to Lot-Split application BL-78 – BOA Denied 12/13/1982.

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting subject property to the south (now the Easton Sod store and agricultural land) – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for an approximately 19-acre tract at 12300 S. Memorial Dr. abutting subject property to the south (now the Easton Sod store and agricultural land) – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BZ-140 – Patrick L. Murray – Request for rezoning from RM-1 to CS for approximately 1.6 acres consisting of Lots 7 through 12, inclusive, Block 17, Southern Memorial Acres Extended (later replatted as part of Memorial Square) to the northeast of subject property – PC Recommended Denial 05/31/1983 and City Council Approved 06/13/1983 (Ord. # 486).

B/PUD 6 – “South Memorial Duplexes” – Richard Hall & Associates for George E. Day – Request for PUD approval for a duplex development for approximately 9.4 acres consisting of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended (later replatted as Memorial Square) to the northeast of subject property – PC Recommended Approval 11/28/1983 and City Council Approved 12/05/1983 (Ord. # 498).

Final Plat of Memorial Square – Request for Final Plat approval for Memorial Square for approximately 9.4 acres, a resubdivision of Lots 7 through 12, inclusive, Block 16, and all of Block 17, Southern Memorial Acres Extended to the northeast of subject property – City Council Approved 02/1984 (per the plat approval certificate) (Plat # 4511 recorded 08/03/1984) (Preliminary Plat and PC approvals not researched).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E located to the southeast of subject property at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the Spartan Self Storage).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (across Memorial Dr. to the east of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (across Memorial Dr. to the east of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (across Memorial Dr. to the east of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for an approximately 1.6-acre agricultural tract abutting subject property to the north and west at the 7700-block of E. 121st St. S. (then possibly addressed 7600 E. 121st St. S.) – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area to the south of subject property in the 12300-block of S. Memorial Dr. (perhaps then addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (across Memorial Dr. to the east of subject property), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121st St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the southeast of subject property at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the southeast of subject property at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E to the southeast of subject property at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the Spartan Self Storage).

BBOA-364 – AT&T (Curtis Branch) – Request for Special Exception to allow a 120' monopole communications tower on a 19-acre tract of land abutting to the south (contains the Easton Sod business and agricultural land) – BOA Approved 02/05/2001.

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on the large 140-acre acreage tracts previously owned by Knopp abutting subject property to the west – BOA Conditionally Approved 04/02/2001 (not since built).

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121st St. S. to the north of the subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, The Boardwalk on Memorial and Lots 1 and 2, Block 1, Gre-Mac Acres requested for rezoning and PUD approval – for property to the southeast of subject property at 12345 S. Memorial Dr.– PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Gre-Mac Acres Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

“Minor Amendment PUD 29b to PUD 29, 29a” – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) for property to the southeast of subject property at 12345 S. Memorial Dr. to south to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp abutting subject property to the west. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp abutting subject property to the west – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor’s parcel records do not reflect that the land was ever since divided as approved.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval for the 40-acre Bixby Centennial Plaza to the north of subject property across 121st St. S. – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121st St. S. to the northwest of the subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121st St. S. to the northwest of the subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval for the 40-acre Bixby Centennial Plaza to the north of subject property across 121st St. S. – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

“PUD 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property to the southeast of subject property at 12345 S. Memorial Dr. – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s

action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney's advice regarding certain language in the ordinance, and called for the developer to proceed "under existing ordinances." On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of Knopp family property of approximately 140 acres abutting subject property to the west – PC Continued the application on 12/21/2009 at the Applicant's request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting "for more research and information," based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472' from the balance of the property, located to the southeast of subject property at 12345 S. Memorial Dr. – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, "trade center / office-warehouse," and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, "trade center / office-warehouse," and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, "trade center / office-warehouse," and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC Conditionally Approved 07/19/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the south of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

BBOA-529 – Khoury Engineering, Inc. – Request for Special Exception per Zoning Code Section 11-7D-2 Table 1 to allow a Use Unit 17 automotive repair and sales business use in the CS Commercial Shopping Center District for Lot 6, Block 1, Bixby Centennial Plaza (north of subject property) – BOA Approved 12/06/2010.

AC-11-01-01 – “My Dentist Dental Clinic” – Sam Gresham Architect – Request for approval of a Detailed Site Plan for “My Dentist Dental Clinic” for Lot 1, Block 1, Braums Addition abutting subject property to the north and east – PC Conditionally Approved 01/25/2011.

BBOA-535 – Khoury Engineering, Inc. – Request for Variance from (1) the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a, (2) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3, and (3) any other Zoning Code restriction preventing the erection of two (2) freestanding ground signs at three (3) square feet in display surface area [each], all for Lot 6 (north of subject property) – BOA Approved 01/03/2011.

BBOA-536 – Khoury Engineering, Inc. – Request for Variance from the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[8].a for the North 154.5’ of Lot 6, and the S. 46.08’ of Lot 5, Block 1, Bixby Centennial Plaza (north of subject property) – BOA Approved 02/07/2011.

BBOA-544 – Khoury Engineering, Inc. – Request for Variance (A) from the 150’ minimum lot-width / minimum ground sign spacing standard of Zoning Code Section 11-9-21.C.[9].a, (B) from the maximum display surface area restrictions of Zoning Code Section 11-9-21.D.3 to allow three (3) square feet of display surface area per ground sign, and (C) from any other Zoning Code restriction preventing the erection of three (3) freestanding ground signs at three (3) square feet in display area each for Lot 6, and the South 46.08’ of Lot 5, Block 1, Bixby Centennial Plaza (north of subject property) – BOA Approved 10/03/2011.

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for an approximately 1.6-acre agricultural tract abutting subject property to the north and west at the 7700-block of E. 121st St. S. – PC Recommended Denial 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

PUD 73 – Eagle SPE Multi I, Inc. – Rosenbaum Consulting, LLC – Request for approval of PUD 73 supplemental zoning for what was later platted as Bixby Centennial Plaza II to the north of subject property across 121st St. S. – PC recommended Approval 11/19/2012 and City Council approved 11/26/2012 (Ord. # 2105).

Preliminary & Final Plat of Bixby Centennial Plaza II – Request for Preliminary Plat and Final Plat approval for what was later platted as Bixby Centennial Plaza II to the north of subject property across 121st St. S. – PC recommended Approval 02/19/2013 and City Council Approved 02/25/2013 (Plat # 6478 recorded 06/28/2013).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage abutting subject property to the west – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for 92 acres acquired from the Knopp family acreage abutting subject property to the west – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl. – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council approved ordinance effecting approval of all three (3) 02/24/2014 (Ord. # 2127).

Final Plat of "Scenic Village Park" – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the 92-acre PUD 76 abutting subject property to the west – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 "Scenic Village Park" Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former 92-acre development tract acquired from Knopp abutting subject property to the west – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Ordinance Second Reading and Approval and Emergency Clause attachment items, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013 (Ord. # 2123).

PUD 76 "Scenic Village Park" Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 abutting subject property to the west – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant's letter dated 10/18/2013.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S. – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

Preliminary Plat of "Quail Creek of Bixby" – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek of Bixby" for land to the southwest of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of "Quail Creek Villas of Bixby" – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek Villas of Bixby" for land to the southwest of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

BSP 2013-06 – "Covenant Place of Tulsa" – Tanner Consulting, LLC (PUD 76) – Request for approval of a PUD Detailed Site Plan for the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park to the west of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

Preliminary Plat of "Quail Creek Office Park" – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for "Quail Creek Office Park" for approximately 5.976 acres abutting subject property to the west – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

PUD 76 "Scenic Village Park" Minor Amendment # 1 – Tanner Consulting, LLC – Request for approval of Minor Amendment # 1 to PUD 76, which amendment proposed making certain changes to development standards pertaining to signage and parking, and making certain other amendments in support of the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park to the west of subject property – PC Conditionally Approved 02/18/2014.

PUD 70 "Encore on Memorial" Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres to the south of subject property to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments – PC recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

Preliminary Plat of "Byrnes Mini-Storages" – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl. – PC (03/17/2014) recommended Conditional Approval by 2:1:1 vote. Per the City Attorney, the Abstention vote does not count, so the vote was recognized as 2:1 and the Motion passed with a simple majority. City Council Conditionally Approved 05/12/2014.

PUD 6 Major Amendment # 1 "Memorial Square" & BZ-374 – JR Donelson, Inc. – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 6 and rezoning from CS and RM-1 to CS, RM-1, and RT for property to the northeast of subject property – PC recommended

Conditional Approval 05/19/2014 and City Council Conditionally Approved applications 06/09/2014. Ordinance approval pending receipt of PUD Amendment Text & Exhibits reflecting all the required corrections, modifications, and Conditions of Approval.

Preliminary Plat of "Memorial Square Amended" – Request for Preliminary Plat approval for "Memorial Square Amended" for property to the northeast of subject property – PC recommended Conditional Approval 07/21/2014. Not placed on City Council agenda per Applicant 08/07/2014.

Accept General Utility Easement for Quail Creek Developments – Request for acceptance of a 17.5'-wide General U/E along the easterly and southerly perimeters of the proposed "Quail Creek Office Park" development site (PUD 76 Development Area F; abutting subject property to the west) to allow for AEP-PSO electric service provision to the "Quail Creek" developments – City Council accepted 09/22/2014.

Amendment of Plat of Scenic Village Park – Request for approval of an Amendment of the plat of Scenic Village Park as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof abutting subject property to the west – PC unanimously Denied 01/20/2015.

BSP 2015-02 – QuikTrip No. 0098 – Request for approval of a site plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for property to the northeast of subject property at 12037 S. Memorial Dr. – City Council Conditionally Approved 02/09/2015.

BL-397 – Mike Ward on behalf of QuikTrip Corporation for T C 94, LP – Request for Lot-Split approval for property to the northeast of subject property at 12037 S. Memorial Dr. – Planning Commission Approved 02/17/2015.

PUD 81 – "Chateau Villas PUD" – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S. – PC recommended Conditional Approval 03/25/2015; Pending City Council consideration in April and/or May, 2015.

BSP 2015-04 – "Chateau Villas" – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S. – Pending PC consideration 04/20/2015.

BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP – Request for rezoning from AG and CG to CS for commercial use for 19 acres abutting subject property to the south at 12300 S. Memorial Dr. – PC consideration pending 04/20/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 14 acres is zoned AG and CG and is agricultural in use. Staff found no Bixby rezoning application to account for the CG zoning in part of the northeast corner of the subject property, which CG district primarily contains the Pizza Hut restaurant. However, case maps from the 1970s show it as being in existence at that time, and show Bixby City Limits as including it and not areas surrounding it. In the Minutes of the Planning Commission meeting of June 26, 1978, pertaining to Lot-Split application BL-42 – William C. Kelley, it was noted that the property was zoned CG at that time. Staff speculates that it may have been zoned CG prior to or upon annexation.

The subject property has approximately 768' of frontage on 121st St. S. and 284.01' of frontage on Memorial Dr.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.).

The subject property is relatively flat, and appears to drain to the south and southeast to Memorial Dr. However, with the recent installation of the stormsewerline along 121st St. S., the property will be one of those eligible, upon development, to "pipe" part of its stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity (2) Commercial Area/Vacant, Agricultural, Rural Residences, and Open Land, and (3) Corridor.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested CS district is In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, for that part of the

subject property along Memorial Dr. so designated, the requested CS district is In Accordance with the Medium Intensity designation of the Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “vacant, agricultural, rural residences, and open land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed. Therefore, the “Land Use” designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

For that part of the subject property along Memorial Dr. so designated, the requested CS district should be found In Accordance with the Commercial Area designation of the Land Use Map.

The Matrix does not indicate whether or not the requested CS district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Therefore, Staff believes that the requested CS district is In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CG, OL, RM-3, RM-1, RS-3, and AG, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Abutting to the north and east is the My Dentist Dental Clinic zoned CS in Lot 1, Block 1, Braums Addition and the Pizza Hut on unplatted land zoned CG. These properties separate parts of the subject property from 121st St. S. Farther north across 121st St. S. are commercial businesses and vacant platted lots in Bixby Centennial Plaza and the Nowlin Orthodontics and The Eye Center South Tulsa businesses zoned CS/PUD 73 in Bixby Centennial Plaza II, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

To the south is the 19-acre tract containing Easton Sod sales lot and agricultural land zoned CS, OL, and RS-3. However, this property is subject to rezoning to CS pursuant to BZ-380. Farther south is agricultural land zoned CG and AG. To the southwest is a 92-acre CG district with PUD 76 “Scenic Village Park” containing multiple land uses under various stages of development.

Abutting the subject property on the north and west is an approximately 1.6-acre agricultural tract zoned CS. Also abutting to the west are 92 acres of former agricultural land now zoned CG with PUD 76 “Scenic Village Park,” containing multiple land uses under various stages of development.

Finally, across Memorial Dr. to the east is a roughly 12 ³/₄-acre CS district containing commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr. Farther east and to the southeast are 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 “Chateau Villas PUD.” To the northeast, north of 121st St. S. is commercial in the Town and Country Shopping Center, including a planned QuikTrip store, and farther northeast is the duplex-style condo/apartments and vacant lots zoned CS/RM-1/PUD 6 in Memorial Square.

The subject property and the 19-acre tract requested for rezoning to CS per BZ-380 are surrounded on nearly all sides by CS and CG zoning. Seen from the proper scale, the two (2) properties appear as a “hole” in the expansive commercial district centered at the increasingly busy intersection of 121st St. S. and Memorial Dr. The requested CS zoning would be a logical extension, even completion, of the existing, established CS zoning district abutting to the northwest, north, northeast, east, and southeast, and would be compatible with the CS and CG zoning to the west and south and existing use and future uses anticipated by surrounding zoning patterns.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-

intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain. Indeed, intensive development is occurring, as described more fully in the paragraphs that follow.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to Fox Hollow, and the 330' of frontage on 121st St. S. belonging to the pending PUD 82 "Somerset" housing addition development, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121st St. S., and west of that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The recently demolished Three Oaks Smoke Shop was located on a 2-acre tract at 7060 E. 121st St. S. (its future use is not known), and most of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. Per discussions with its owner, triangularly-shaped parcel between the former Smoke Shop and commercial lots in WoodMere should be expected to develop nonresidentially. An 11-acre Plummer Partners, LLC tract at the 7500-block of E. 121st St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza at the northwest corner of 121st St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) was rezoned to CS in March of 2012. The 92-acre PUD 76 "Scenic Village Park" was approved with CG zoning in 2013, and the features the 80-unit "Covenant Place of Tulsa" assisted living facility under construction now at 7300 E. 121st Pl. S., with 38 units in a future expansion already planned. That 92-acre PUD also contains commercial frontage lots platted with Scenic Village Park in 2013, and will contain future commercial use(s) pursuant to the Preliminary Plat of "Quail Creek Office Park" Conditionally Approved in 2014 and the commercially-oriented Development Area H. Finally, commercial uses are now under development in the 5-acre PUD 83 River Trail II development approved in 2014 at the southwest corner of 126th St. S. and Memorial Dr.

Further enhancing the development potential of this 180-acre area will be the construction of the 74th E. Ave. / 126th St. S. Collector Street system developed as a part of PUD 76. In addition to serving the proposed "Quail Creek of Bixby" and "Quail Creek Villas of Bixby" housing additions interior to the 180 acres, it will additionally serve more commercially-oriented development areas closer to Memorial Dr. and 121st St. S. Further enhancing still will be the recent installation of the stormsewerline along 121st St. S., which will enable eligible properties along 121st St. S., upon development, to "pipe" stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

The surrounding zoning and land use patterns, recent rezoning and development trends, and the available infrastructure and other physical facts of the area all appear to support the requested rezoning to CS, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by PUD. PUDs typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities. Importantly, PUDs help the City achieve its goals and objectives as outlined in the Comprehensive Plan. As recommended by Staff, on February 23, 2015, the City Council temporarily Waived the PUD requirement Zoning Code Section 11-5-2 for Ramsey and Easton properties concerned by BZ-379 and BZ-380, subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's

design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers. Therefore, ultimately, the City will receive PUD application(s) for these properties, designed by the then developers who will be in the position to make specific design changes as the City may request.

Staff Recommendation. For the reasons outlined above, Staff recommends Approval.

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Thursday, April 09, 2015
RE: Report and Recommendations for:
BZ-380 – JR Donelson for John C. Easton Trust & Easton Family, LP

LOCATION: – 12300 S. Memorial Dr.
– Southwest corner of the intersection of 121st St. S. and Memorial Dr.
– Part of the S/2 of Government Lot 1 (NE/4 NE/4) of Section 02, T17N, R13E

LOT SIZE: 19 acres, more or less

EXISTING ZONING: CS Commercial Shopping Center District, OL Office Low Intensity District, & RS-3 Residential Single-Family District

EXISTING USE: The Easton Sod sales business and agricultural land

REQUESTED ZONING: CS Commercial Shopping Center District

SUPPLEMENTAL ZONING: Corridor Appearance District (partial)

SURROUNDING ZONING AND LAND USE:

North: AG, CS, & CG and (Across 121st St. S.) CS, CS/PUD 73, & CS/OL/PUD 51; The 14-acre agricultural Ramsey property zoned AG and CG, a 1.6-acre agricultural tract zoned CS, the My Dentist Dental Clinic zoned CS in Lot 1, Block 1, Braums Addition, and the Pizza Hut on unplatted land zoned CG. Farther north across 121st St. S. are commercial businesses and vacant platted lots in Bixby Centennial Plaza, the Nowlin Orthodontics and The Eye Center South Tulsa businesses zoned CS/PUD 73 in Bixby Centennial Plaza II, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

South: CG, AG, CG/PUD 76, CG/PUD 83, & RM-3/PUD 70; Agricultural land zoned CG and AG; to the southwest is a 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development; farther south, across 126th St. S., is the 5-acre "River Trail II" commercial development zoned CG/PUD 83 and the 14-acre Encore on Memorial upscale multifamily development zoned RM-3/PUD 70.

East: (Across Memorial Dr.) CS, CS/RM-3/OL/PUD 81, CS/PUD 29A, OL/PUD 77, & RS-1; Across Memorial Dr. to the east is a roughly 12 ¾-acre CS district containing commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr. and 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 "Chateau Villas PUD;" to the northeast is commercial in the Town and Country Shopping Center, including a planned QuikTrip store, all zoned CS; to the southeast are The Boardwalk on Memorial shopping center zoned CS/PUD 29A, behind which is underdeveloped land zoned OL with PUD 77 for "Byrnes Mini-Storages;" farther southeast is single-family residential zoned RS-1 in Gre-Mac Acres.

West: CS & CG/PUD 76; Agricultural land within the 92-acre CG district with PUD 76 "Scenic Village Park" containing multiple land uses under various stages of development.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area/Vacant, Agricultural, Rural Residences, and Open Land + Corridor

PREVIOUS/RELATED CASES: (not necessarily a complete list)

BZ-135 – Eddie McLearn – Request for rezoning from AG to CS for subject property – Withdrawn by Applicant 03/21/1983.

BZ-139 – Eddie McLearn – Request for rezoning from AG to RM-2, OL, & CS for subject property – Planning Commission recommended Modified Approval of RS-3, OL, & CS Zoning on 04/25/1983 and City Council Approved RS-3, OL, & CS Zoning on 05/02/1983 (Ord. # 482).

BBOA-364 – AT&T (Curtis Branch) – Request for Special Exception to allow a 120' monopole communications tower on subject property – BOA Approved 02/05/2001.

PUD Requirement Waiver for Ramsey & Easton Properties – JR Donelson of JR Donelson, Inc. – Request for a Temporary Waiver of the PUD requirement of Zoning Code Section 11-5-2 for the subject property and the Ramsey property abutting to the north at the 12200-block of S. Memorial Dr. – City Council Approved 02/23/2015 subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers.

RELEVANT AREA CASE HISTORY: (not necessarily a complete list)

BZ-30 – Frank Moskowitz – Request for rezoning from AG to CS for the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the northeast of subject property – PC on 01/27/1975 recommended CS for N. approx. 12.5 acres, OL for the S. approx. 5 acres of the N. approx. 17.5 acres, and AG zoning to remain for the balance of the 20 acres. City Council approved as PC recommended 03/18/1975 (Ord. # 270).

BBOA-19 – Leroy Orcutt for Dr. John Mount – Request for Special Exception “under Section 1480.1b of the Zoning Code to allow continuation of the non-conforming use of a home as a residence while establishing a sign shop on the property...also an Interpretation of the Zoning Text, Appendix B, to determine what use unit a plastic magnetic sign shop would be placed in” for a 0.81-acre tract to the southeast of subject property at the 12400:12500-block of S. Memorial Dr. – BOA Approved Special Exception and voted to put the proposed use in Use Unit 11 06/17/1975.

BZ-38 – Leroy Orcutt for Dr. John Mount – Request for rezoning from RS-1 to CG for a 0.81-acre tract to the southeast of subject property at the 12400:12500-block of S. Memorial Dr. – PC Recommended Approval of OL zoning and to waive the platting requirement and not require dedication 05/19/1975 and Board of Trustees Approved OL zoning and waived the platting requirement (per case notes) 07/01/1975 (Ord. # 298).

BZ-54 – [Charles] Roger Knopp – Request for rezoning from AG to OM & CG for a 3.56-acre area to the south of subject property at approximately the 12600-block of S. Memorial Dr. – PC Recommended Approval of CG zoning 02/28/1977 and City Council Approved 03/01/1977 (Ord. # 328).

BL-42 – William C. Kelley – Request for Lot-Split approval to approve the separation of the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E, to the north of subject property, into two (2) tracts as conveyed to Pizza Hut – PC Recommended Approval 06/26/1978, subject to deed restriction requiring their combined future conveyance, and City Council Conditionally Approved as per PC recommendation 07/11/1978.

BL-44 – J.W. “Rocky” Lewis for Pizza Hut, Inc. – Request for Lot-Split approval to approve the separation of the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E, to the north of subject property, into two (2) tracts as conveyed to Pizza Hut – Per 02/26/1979 PC Minutes it was Continued to the next meeting; per case notes, PC “Tabled indefinitely due to existing building being located on proposed split line” on 02/26/1979.

BL-45 – Milton Berry – Request for Lot-Split approval to separate the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E (now the Spartan Self Storage) from the balance of the property, which balance was later platted as 121st Center, all for 20 acres across Memorial Dr. to the northeast of subject property – PC Motion to Approve died for lack of a Second 02/26/1979; City Council Conditional Approval is suggested by case notes. Deeds recorded evidently without approval certificate stamps 05/23/1978, which would have preceded the Lot-Split application.

BBOA-75 – Jack Spradling for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E to the north of subject property (related to Lot-Split) – BOA Denied 07/08/1980.

BZ-107 – John LaPlant for LaPco Investments, Ltd. – Request for rezoning from RS-1 to CG for approximately 5 acres to the southeast of subject property at the 12400:12500-block of S. Memorial Dr. and including what later became the Mazzio's lot at 12505 S. Memorial Dr. – PC Recommended

Approval of CS zoning for the W. approximately 2 ½ acres 05/26/1981 and City Council Approved CS zoning for the 2 ½ acres 06/01/1981 (Ord. # 429).

BL-78 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Lot-Split approval to separate into two (2) tracts the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E to the north of subject property – PC Denied 11/29/1982.

BBOA-111 – Christopher L. Coyle for Pizza Hut of Oklahoma, Inc. – Request for Variance from bulk and area requirements in the CG district, regarding the N. 224.75' of the E. 260.75' of this Section 02, T17N, R13E to the north of subject property, pursuant to Lot-Split application BL-78 – BOA Denied 12/13/1982.

BZ-130 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for rezoning from AG to CS for that property later platted as Braums Addition to the north of subject property at 12106 S. Memorial Dr. – PC Recommended Approval 01/31/1983 and City Council Approved 02/07/1983 (Ord. # 473).

BL-79 – J. F. Langley, Jr. for Billy Joe Ramsey – Request for Lot-Split to separate the future Braums Addition land from the (now) 14-acre tract abutting subject property to the north – PC Recommended Approval subject to BZ-130 01/31/1983 and City Council presumably Approved in February, 1983.

Preliminary and Conditional Final Plat of Braums Addition – Request for Preliminary and Conditional Final Plat approval for Braums Addition, which may have separated same from the (now) 14-acre tract abutting subject property to the north, per ownership as listed on the plat – PC Conditionally Approved 02/28/1983 and City Council presumably Approved (Plat # 4351 recorded 05/26/1983).

BBOA-135 – Alan Hall of A. C. Hall & Associates, Surveying for Milton H. Berry – Request for Special Exception to allow a Use Unit 17 carwash development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E located to the east of subject property at 12113 S. Memorial Dr. – BOA Approved 11/13/1984 subject to platting (not developed as a carwash; ultimately developed as the Spartan Self Storage).

Preliminary Plat of 121st Center – Request for Preliminary Plat approval for 121st Center (across Memorial Dr. to the northeast of subject property) – PC Conditionally Approved 12/28/1987 (Council action not researched).

BBOA-199 – Spradling & Associates for Arkansas Valley Development Corporation – Request for Variance to reduce the minimum lot width/frontage in CS from 150' to 125' to permit platting the subject tract as 121st Center (across Memorial Dr. to the northeast of subject property) – BOA Approved 01/11/1988.

Final Plat of 121st Center – Request for Final Plat approval for 121st Center (across Memorial Dr. to the northeast of subject property) – PC Conditionally Approved 02/29/1988 and City Council Approved 07/11/1988 (per the plat approval certificate) (Plat # 4728 recorded 08/05/1988).

BZ-196 – Donna Saunders for Nuel/Noel Burns – Request for rezoning from AG to CG for an approximately 1.6-acre agricultural tract to the north of subject property at the 7700-block of E. 121st St. S. (then possibly addressed 7600 E. 121st St. S.) – PC Recommended Denial 01/21/1991 per notes on the application form. Lack of ordinance and other notes in the case file indicate it was either withdrawn, not appealed, or not finally approved by the City Council.

BZ-200 – Charles Roger Knopp – Request for rezoning from AG to CG for an approximately 2.27-acre area abutting subject property to the south in the 12300-block of S. Memorial Dr. (perhaps then addressed 12340 S. Memorial Dr.) – PC Recommended Approval 07/20/1992 and City Council Approved 07/27/1992 (Ord. # 671).

BBOA-261 – Jack Spradling for Arkansas Valley Development Corporation – Request for Variance for Lot 5, Block 1, 121st Center (across Memorial Dr. to the northeast of subject property), to reduce the minimum lot width/frontage in CS from 150' to 0' to permit a Lot-Split creating the E. 215' of the S. 125' of Lot 5, which tract is now the Atlas General Contractors office – BOA Conditionally Approved 02/01/1993 (Mutual Access Easement created to give access to 121st St. S.).

BBOA-300 – Tom Christopoulos – Request for Variance to the setback; an increase of the allowed maximum density; and a reduction of the parking standards of the RM-3 district (requested per BZ-212) for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the east of subject property at 12113 S. Memorial Dr. – BOA Conditionally Approved 07/03/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BZ-212 – Tom Christopoulos – Request for rezoning from CS to RM-3 for a multifamily development for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E across Memorial Dr. to the east of subject property at 12113 S. Memorial Dr. – PC Recommended Approval 06/05/1995 and City Council Denied 07/10/1995 (not developed as multifamily; ultimately developed as the Spartan Self Storage).

BBOA-335 – Tom Christopoulos – Request for Special Exception to allow a ministorage development in the CS district for the S. 200' of the W. 210' of the N. 825' of the W/2 of the NW/4 of the NW/4 of Section 01, T17N, R13E to the east of subject property at 12113 S. Memorial Dr. – BOA Approved 12/01/1997 (now the Spartan Self Storage).

BBOA-367 – Holley Hair for Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 “golf teaching and practice facility” on the large 140-acre acreage tracts previously owned by Knopp abutting subject property to the west and south – BOA Conditionally Approved 04/02/2001 (not since built).

PUD 31 – Bricktown Square – Request for rezoning and PUD approval for a commercial development, including redistributing underlying CS, OL, and RS-1 boundaries, for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – PC Recommended Approval 10/20/2003 and City Council Approved 11/10/2003 (Ord. # 915).

BZ-279 – Charles Norman/Martha Plummer Roberts et al. – Request for rezoning from AG to CS, OM, RM-1, and RS-2 for 73 acres, more or less, located across 121st St. S. to the north of the subject property, which 73 acres became Bixby Centennial Plaza and Fox Hollow and an unplatted 11-acre tract later approved for PUD 51 – PC Recommended Approval as amended for CS, OM, OL, RS-3, and RS-2 on November 19, 2001 and Approved by City Council December 10, 2001 (Ord. # 842).

PUD 29 – The Boardwalk on Memorial – Part of future Lot 1, Block 1, The Boardwalk on Memorial and Lots 1 and 2, Block 1, Gre-Mac Acres requested for rezoning and PUD approval – for property to the southeast of subject property at 12345 S. Memorial Dr. – PC Recommended Approval 05/20/2002 and City Council Approved PUD 29 and CS zoning for Gre-Mac Acres Lot 1 and OL zoning for Lot 2 06/10/2002 (Ordinance # 850, evidently dated 06/11/2001 in error).

PUD 29A – The Boardwalk on Memorial – Request for Major Amendment to PUD 29 (abutting subject property to south), known as PUD 29A, which expanded the original PUD and underlying CS zoning to an unplatted area to the north of Lots 1 and 2, Block 1, Gre-Mac Acres, and rezoned Development Area B to AG for “open space” – PC Recommended Approval 03/17/2003 and City Council Approved 04/28/2003 (Ordinance # 867).

Preliminary Plat of The Boardwalk on Memorial – Request for Preliminary Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 04/21/2003 and Approved by City Council 04/28/2003.

Final Plat of The Boardwalk on Memorial – Request for Final Plat approval for property to the southeast of subject property at 12345 S. Memorial Dr. – Recommended for Approval by PC 05/19/2003 and Approved by City Council 05/27/2003 (Plat # 5717 recorded 08/19/2003).

“Minor Amendment PUD 29b to PUD 29, 29a” – Request for Planning Commission approval of the first Minor Amendment to PUD 29A (could have been called “Minor Amendment # 1) for property to the southeast of subject property at 12345 S. Memorial Dr. to south to approve a drive through bank window on the south side of the building for Grand Bank – PC Approved 02/22/2005.

BBOA-442 – Charles Roger Knopp – Request for Special Exception approval to allow a Use Unit 20 golf driving range (evidently same as BBOA-367) on the large 140-acre acreage tracts previously owned by Knopp abutting subject property to the west and south. Approval of BBOA-367 expired after 3 years, per the Staff Report, and so required re-approval – BOA Approved 05/01/2006 (not since built).

BL-340 – JR Donelson for Charles Roger Knopp Revocable Trust – Request for Lot-Split approval to separate a 41.3384-acre tract from the southern end of the large 140-acre acreage tracts previously owned by Knopp abutting subject property to the west and south – It appears it was Administratively Approved by the City Planner on 07/20/2006, but the Assessor’s parcel records do not reflect that the land was ever since divided as approved.

Preliminary Plat of Bixby Centennial Plaza – Request for Preliminary Plat approval for the 40-acre Bixby Centennial Plaza to the north of subject property across 121st St. S. – PC Approved 07/17/2006 and City Council Approved 07/24/2006.

BZ-317 – Sack & Associates, Inc. for Martha Roberts et al. – Request for rezoning from OL to CS for part of an unplatted 11-acre tract located across 121st St. S. to the northwest of the subject property – PC Action 08/21/2006: Motion to Approve failed for lack of a Second, and Chair declared the item “denied by virtue of there being no second to the motion.” See PUD 51.

PUD 51 – [No Name] – [Sack & Associates, Inc.] – Request to approve PUD 51 and a partial rezoning from OL to CS for an unplatted 11-acre tract located across 121st St. S. to the northwest of the subject property – No application submitted, but prepared by Sack & Associates, Inc. in support of the CS and OL zoning proposed per BZ-317 – PC recommended Approval 10/02/2006 and City Council Approved 10/23/2006 (Ord. # 951/951A).

Final Plat of Bixby Centennial Plaza – Request for Final Plat approval for the 40-acre Bixby Centennial Plaza to the north of subject property across 121st St. S. – PC Approved 10/16/2006 and City Council Approved 10/23/2006 (plat recorded 04/04/2007).

“PUD 29A Minor Amendment # 1 [2]” – Second request for Minor Amendment to PUD 29A to (1) Remove restrictions from east-facing signs and (2) Increase maximum display surface area for wall signs from 2 square feet per lineal foot of building wall to 3 square feet per lineal foot of building wall as permitted by the Zoning Code for property to the southeast of subject property at 12345 S. Memorial Dr. – Planning Commission Conditionally Approved 11/19/2007. Should have been called “Minor Amendment # 2.”

BCPA-3, PUD 68, & BZ-341 – North Bixby Commerce Park – Lou Reynolds for Alvis Houser – Request to amend the Comprehensive Plan to redesignate property (in part) “Medium Intensity,” rezone from AG to CS and OL, and approve PUD 68 for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC voted 2 in favor and 3 opposed on a Motion to approve the development on 04/20/2009. On 04/27/2009, on appeal, the City Council reversed the Planning Commission’s action. On 06/08/2009, the City Council denied the ordinance which would have approved the rezoning, PUD, and Comprehensive Plan amendment, on the City Attorney’s advice regarding certain language in the ordinance, and called for the developer to proceed “under existing ordinances.” On 06/22/2009, the City Council Approved, by Ordinance # 2030, all three (3) applications as submitted, and with no Conditions of Approval.

PUD 70 & BZ-347 / PUD 70 (Amended) & BZ-347 (Amended) – Encore on Memorial – Khoury Engineering, Inc. – Request to rezone from AG to RM-3 and approve PUD 70 for a multifamily development on part of Knopp family property of approximately 140 acres abutting subject property to the west and south – PC Continued the application on 12/21/2009 at the Applicant’s request. PC action 01/19/2010: A Motion to Recommend Approval failed by a vote of two (2) in favor and two (2) opposed, and no followup Motion was made nor followup vote held. The City Council Continued the application on 02/08/2010 to the 02/22/2010 regular meeting “for more research and information,” based on indications by the developer about the possibility of finding another site for the development. Before the 02/22/2010 City Council Meeting, the Applicant temporarily withdrew the applications, and the item was removed from the meeting agenda, with the understanding that the applications were going to be amended and resubmitted.

The Amended applications, including the new development site, were submitted 03/11/2010. PC action 04/19/2010 on the Amended Applications: Recommended Conditional Approval by unanimous vote. City Council action 05/10/2010 on the Amended Applications: Entertained the ordinance Second Reading and approved the PUD and rezoning, with the direction to bring an ordinance back to the Council with an Emergency Clause attachment, in order to incorporate the recommended Conditions of Approval. City Council approved both amended applications with the Conditions of Approval written into the approving Ordinance # 2036 on 05/24/2010.

PUD 29A Minor Amendment # 3 – Request for Minor Amendments to PUD 29A to remove Development Area B from the PUD – Planning Commission Continued the application from the January 19, 2010 meeting to the February 16, 2010 meeting. The submission of PUD 29A Major Amendment # 1 in lieu of this application was recognized as the Withdrawal of this application.

BL-373 – William Wilson for Boardwalk on Memorial I., LP – Request for Lot-Split approval to separate the east approximately 472’ from the balance of the property, located to the southeast of subject property at 12345 S. Memorial Dr. – PC Approved 02/16/2010.

PUD 29A Major Amendment # 1 – Request for Major Amendments to PUD 29A to relax Zoning Code bulk and area requirements for Development Area B to allow for Lot-Split per BL-373, which Development Area B was required to be legally attached to lots having the minimum required amount of public street frontage – PC Recommended Approval 02/16/2010 and City Council Approved 03/08/2010 (Ord. # 2033).

Preliminary Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC recommended Conditional Approval 03/15/2010 and City Council Conditionally Approved 03/22/2010.

Final Plat of North Bixby Commerce Park (PUD 68) – Request for approval of a Final Plat and certain Modifications/Waivers for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC recommended Conditional Approval 05/17/2010 and City Council Conditionally Approved 05/24/2010. City Council approved a revised Final Plat 09/13/2010.

BSP 2010-01 – North Bixby Commerce Park – RK & Associates, PLC / McCool and Associates, P.C. (PUD 68) – Request for approval of a PUD Detailed Site Plan for a ministorage, “trade center / office-warehouse,” and retail development on a 16-acre tract to the east of subject property at the 8300-block of E. 121st St. S. – PC Conditionally Approved 07/19/2010.

BSP 2010-03 – Encore on Memorial – Khoury Engineering, Inc. (PUD 70) – Request for Detailed Site Plan approval for a multifamily development on 14 acres to the south of subject property – PC Conditionally Approved 07/19/2010.

Preliminary Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 07/19/2010 and City Council Conditionally Approved 07/26/2010.

Final Plat of Encore on Memorial (PUD 70) – Request for Preliminary Plat approval for a multifamily development on 14 acres to the south of subject property – PC recommended Conditional Approval 08/16/2010 and City Council Conditionally Approved 08/23/2010 (Plat # 6380 recorded 04/12/2011).

AC-11-01-01 – “My Dentist Dental Clinic” – Sam Gresham Architect – Request for approval of a Detailed Site Plan for “My Dentist Dental Clinic” for Lot 1, Block 1, Braums Addition to the north of subject property at 12106 S. Memorial Dr. – PC Conditionally Approved 01/25/2011.

BZ-355 – Town & Country Real Estate Co. – Request for rezoning from AG to CS for an approximately 1.6-acre agricultural tract to the north of subject property at the 7700-block of E. 121st St. S. – PC Recommended Denial 03/19/2012 and City Council Approved 03/26/2012 (Ord. # 2077).

PUD 76 “Scenic Village Park” & BZ-364 – Tanner Consulting, LLC – Request for rezoning from AG to CG and PUD approval for 92 acres acquired from the Knopp family acreage abutting subject property to the west and south – PC recommended Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013 as amended at the meeting.

Preliminary Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Preliminary Plat and a Modification/Waiver from certain right-of-way and roadway paving width standards of Subdivision Regulations Ordinance # 854 Section 9.2.2 for 92 acres acquired from the Knopp family acreage abutting subject property to the west and south – PC recommended Conditional Approval 02/27/2013 and City Council Conditionally Approved 03/25/2013.

BCPA-9, PUD 77, & BZ-365 – Byrnes Mini-Storages – JR Donelson, Inc. – Request to amend the Comprehensive Plan to remove in part the Residential Area specific land use designation, rezone in part from AG to OL, and approve PUD 77 for a ministorage development on property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl. – PC recommended Denial of all three (3) on 05/20/2013 by 2:1:0 vote. On 06/10/2013, the City Council, by 3:2:0 vote, Approved BCPA-9, Approved the appeal of BZ-365, and Conditionally Approved PUD 77. City Council approved ordinance effecting approval of all three (3) 02/24/2014 (Ord. # 2127).

Final Plat of “Scenic Village Park” – Tanner Consulting, LLC – Request for approval of a Final Plat for a northerly approximately 22 acres of the 92-acre PUD 76 abutting subject property to the west and south – PC recommended Conditional Approval 05/20/2013 and City Council Conditionally Approved 05/28/2013 (Plat # 6477 recorded 06/20/2013).

PUD 76 “Scenic Village Park” Major Amendment # 1 – Tanner Consulting, LLC – Request for approval of Major Amendment # 1 to PUD 76 for former 92-acre development tract acquired from Knopp abutting subject property to the west and south – PC recommended Conditional Approval 09/30/2013. City Council Conditionally Approved the application and held an Ordinance First Reading 10/14/2013. The Ordinance Second Reading and Approval and Emergency Clause attachment items, having been on various City Council agendas in various forms since 10/14/2013, the City Council approved on 11/12/2013 (Ord. # 2123).

PUD 76 “Scenic Village Park” Major Amendment # 2 – Tanner Consulting, LLC – Request for approval of Major Amendment # 2 to PUD 76 for southerly 70 acres of PUD 76 abutting subject property to the west and south – PC Tabled Indefinitely on 10/21/2013 as requested by Applicant’s letter dated 10/18/2013.

PUD 81 & BZ-368 – Chateau Villas PUD – AAB Engineering, LLC – Request for rezoning from CS, OL, and AG to CS and RM-3 and to approve PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S. – PC recommended Conditional Approval, with a modified zoning schedule including OL zoning, 11/18/2013 and City Council Conditionally Approved, as modified, the applications 11/25/2013 and Conditionally Approved same by ordinance (Ord. # 2126) 02/24/2014.

Preliminary Plat of “Quail Creek of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek of Bixby” for land to the southwest of subject property – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

Preliminary Plat of “Quail Creek Villas of Bixby” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Villas of Bixby” for land abutting subject property to the west – PC recommended Conditional Approval 12/16/2013 and City Council Conditionally Approved 01/13/2014.

BSP 2013-06 – “Covenant Place of Tulsa” – Tanner Consulting, LLC (PUD 76) – Request for approval of a PUD Detailed Site Plan for the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park to the west of subject property – PC Conditionally Approved at a Special/Called Meeting 01/23/2014.

Preliminary Plat of “Quail Creek Office Park” – Tanner Consulting, LLC (PUD 76) – Request for approval of a Preliminary Plat and certain Modifications/Waivers for “Quail Creek Office Park” for approximately 5.976 acres abutting subject property to the west – PC recommended Conditional Approval at a Special/Called Meeting 01/23/2014 and City Council Conditionally Approved 01/27/2014.

PUD 76 “Scenic Village Park” Minor Amendment # 1 – Tanner Consulting, LLC – Request for approval of Minor Amendment # 1 to PUD 76, which amendment proposed making certain changes to development standards pertaining to signage and parking, and making certain other amendments in support of the Covenant Place of Tulsa assisted living community on Lot 2, Block 1, Scenic Village Park to the west of subject property – PC Conditionally Approved 02/18/2014.

PUD 70 “Encore on Memorial” Major Amendment # 1 – Khoury Engineering, Inc. – Request for approval of Major Amendment # 1 to PUD 70 for 15 acres to the south of subject property to allow a Use Unit 21 sign within the Development Area B right-of-way for 126th St. S., provide development standards for same, and make certain other amendments – PC recommended Approval 02/18/2014 and City Council Approved 02/24/2014 (Ord. # 2130).

PUD 83 & BZ-371 – River Trail II – Khoury Engineering, Inc. – Request to rezone from AG and CG to CG and approve PUD 83 for a commercial development for approximately 5 acres located to the south of subject property– PC recommended Approval 02/18/2014. On 02/24/2014, the City Council Approved BZ-371 and Conditionally Approved PUD 83. City Council approved ordinance effecting the rezoning and PUD approval 03/24/2014 (Ord. # 2129).

Preliminary & Final Plat of River Trail II (PUD 83) – Request for approval of a Preliminary Plat and Final Plat for approximately 5 acres located to the south of subject property – PC recommended Conditional Approval 03/17/2014 and City Council Conditionally Approved Preliminary Plat 03/24/2014 and Conditionally Approved Final Plat 04/28/2014 (Plat # 6541 recorded 05/23/2014).

Preliminary Plat of “Byrnes Mini-Storages” – JR Donelson, Inc. – Request for approval of a Preliminary Plat for property to the southeast of subject property at 12355 & 12365 S. Memorial Dr. and 12404 S. 85th E. Pl. – PC (03/17/2014) recommended Conditional Approval by 2:1:1 vote. Per

the City Attorney, the Abstention vote does not count, so the vote was recognized as 2:1 and the Motion passed with a simple majority. City Council Conditionally Approved 05/12/2014.

PUD 31-A – “Bricktown Square” – Major Amendment # 1 – Request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 31 for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – PC recommended Conditional Approval 05/19/2014 and City Council Conditionally Approved as recommended by PC 05/27/2014 (Ord. # 2134)

Accept General Utility Easement for Quail Creek Developments – Request for acceptance of a 17.5'-wide General U/E along the easterly and southerly perimeters of the proposed “Quail Creek Office Park” development site (PUD 76 Development Area F; abutting subject property to the west) to allow for AEP-PSO electric service provision to the “Quail Creek” developments – City Council accepted 09/22/2014.

Preliminary Plat of “Bricktown Square” – Sisemore Weisz & Associates, Inc. (PUD 31-A) – Request for approval of a Preliminary Plat of “Bricktown Square” for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – Applicant “temporarily suspended” application 10/07/2014; applications allowed to be returned to the Planning Commission agenda no later than one (1) year after the date the application was submitted and with at least three (3) weeks notice prior to the requested agenda date.

PUD 31-A – “Bricktown Square” – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 31-A for approximately 4 ½ acres to the southeast of subject property at 12409 S. Memorial Dr. – Applicant “temporarily suspended” application 10/07/2014; applications allowed to be returned to the Planning Commission agenda no later than one (1) year after the date the application was submitted and with at least three (3) weeks notice prior to the requested agenda date.

Amendment of Plat of Scenic Village Park – Request for approval of an Amendment of the plat of Scenic Village Park as pertains to Utility Easement dedication provisions affecting Lot 1, Block 3 thereof to the northwest of subject property – PC unanimously Denied 01/20/2015.

BSP 2015-02 – QuikTrip No. 0098 – Request for approval of a site plan and modifications to certain development standards per Zoning Code Section 11-9-0.F for property to the northeast of subject property at 12037 S. Memorial Dr. – City Council Conditionally Approved 02/09/2015.

BL-397 – Mike Ward on behalf of QuikTrip Corporation for T C 94, LP – Request for Lot-Split approval for property to the northeast of subject property at 12037 S. Memorial Dr. – Planning Commission Approved 02/17/2015.

PUD 81 – “Chateau Villas PUD” – Major Amendment # 1 – Larry Kester of Architects Collective – Request for approval of Major Amendment # 1 to PUD 81 for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S. – PC recommended Conditional Approval 03/25/2015; Pending City Council consideration in April and/or May, 2015.

BSP 2015-04 – “Chateau Villas” – Larry Kester of Architects Collective (PUD 81) – Request for approval of a PUD Detailed Site Plan for a Use Unit 8 multifamily residential and commercial development for 23 acres to the east of subject property at 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S. – Pending PC consideration 04/20/2015.

BZ-379 – JR Donelson for Bill J. Ramsey Trust – Request for rezoning from AG and CG to CS for commercial use for 14 acres abutting subject property to the north at the 12200-block of S. Memorial Dr. – PC consideration pending 04/20/2015.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property of approximately 19 acres is zoned CS, OL, and RS-3. The front/easterly portion of the subject property contains the Easton Sod sales lot and the balance is agricultural in use. It has approximately 668.67' of frontage on Memorial Dr.

The subject property appears to be presently served by the critical utilities (water, sewer, electric, etc.).

The subject property is relatively flat, and appears to drain to the southwest and east to Memorial Dr. However, with the recent installation of the stormsewerline along 121st St. S., the property will be one of those eligible, upon development, to “pipe” part of its stormwater to the west to Fry Creek Ditch # 2 with

payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Medium Intensity (2) Commercial Area/Vacant, Agricultural, Rural Residences, and Open Land, and (3) Corridor.

The “Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan” (“Matrix”) on page 27 of the Comprehensive Plan provides that the requested CS district is In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, for that part of the subject property along Memorial Dr. so designated, the requested CS district is In Accordance with the Medium Intensity designation of the Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

“The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands.” (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific “Land Use” (other than “vacant, agricultural, rural residences, and open land,” which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the “Land Use” designation on the Map should be interpreted to “recommend” how the parcel should be zoned and developed. Therefore, the “Land Use” designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

For that part of the subject property along Memorial Dr. so designated, the requested CS district should be found In Accordance with the Commercial Area designation of the Land Use Map.

The Matrix does not indicate whether or not the requested CS district would be in accordance with the Vacant, Agricultural, Rural Residences, and Open Land Land Use designation of the Plan Map. However, this Vacant, Agricultural, Rural Residences, and Open Land designation cannot be interpreted as permanently-planned land uses, and so the specific land use designation test as indicated on Page 7, item numbered 1 and page 30, item numbered 5 of the Comprehensive Plan, would not apply here.

Therefore, Staff believes that the requested CS district is In Accordance with the Comprehensive Plan.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CG, OL, RM-3, RM-1, RS-3, RS-1, and AG, all as depicted on the case map and as described in further detail in the paragraphs that follow.

Abutting to the north is the 14-acre agricultural Ramsey property zoned AG and CG. However, this property is subject to rezoning to CS pursuant to BZ-379. Beyond this property are an approximately 1.6-acre agricultural tract zoned CS, the My Dentist Dental Clinic zoned CS in Lot 1, Block 1, Braums Addition, and the Pizza Hut on unplatted land zoned CG. Farther north across 121st St. S. are commercial businesses and vacant platted lots in Bixby Centennial Plaza and the Nowlin Orthodontics and The Eye Center South Tulsa businesses zoned CS/PUD 73 in Bixby Centennial Plaza II, and to the northwest is an 11-acre agricultural/vacant tract zoned CS/OL/PUD 51.

To the south is agricultural land zoned AG and CG. However, this property is subject to rezoning to CS pursuant to BZ-380. To the southwest is a 92-acre CG district with PUD 76 “Scenic Village Park” containing multiple land uses under various stages of development. Farther south, across 126th St. S., is the 5-acre “River Trail II” commercial development zoned CG/PUD 83 and the 14-acre Encore on Memorial upscale multifamily development zoned RM-3/PUD 70.

Abutting to the west are 92 acres of former agricultural land now zoned CG with PUD 76 “Scenic Village Park,” containing multiple land uses under various stages of development.

Finally, across Memorial Dr. to the east is a roughly 12 ³/₄-acre CS district containing commercial development in 121st Center and the Spartan Self Storage ministorage business on an unplatted 1-acre tract at 12113 S. Memorial Dr. and 23 acres containing a vacant, split-level house and vacant land zoned CS/RM-3/OL/PUD 81 “Chateau Villas PUD.” To the northeast is commercial in the Town and Country Shopping Center, including a planned QuikTrip store, all zoned CS. To the southeast are The Boardwalk on Memorial shopping center zoned CS/PUD 29A, behind which is underdeveloped land zoned OL with PUD 77 for “Byrnes Mini-Storages.” Farther southeast is single-family residential zoned RS-1 in Gre-Mac Acres.

The subject property and the 14-acre tract requested for rezoning to CS per BZ-379 are surrounded on nearly all sides by CS and CG zoning. Seen from the proper scale, the two (2) properties appear as a “hole” in the expansive commercial district centered at the increasingly busy intersection of 121st St. S. and Memorial Dr. The requested CS zoning would be a logical extension, even completion, of the existing, established CS zoning district abutting to the northwest, north, northeast, east, and southeast, and would be compatible with the CS and CG zoning to the west and south and existing use and future uses anticipated by surrounding zoning patterns.

Per the Comprehensive Plan, all the land between Fry Creek Ditch # 1 and # 2 and 121st St. S. and Memorial Dr., including the subject property, approximately 180 acres in all, is planned for Corridor-intensity development, which provides that all of the available Zoning districts are either In Accordance or May Be Found In Accordance with the Comprehensive Plan. This 180-acre area is anticipated to be developed intensively, as it is in a prime location, is one of the last, exceptionally large undeveloped acreages in all of South Tulsa County north of the Arkansas River, has all the necessary utilities, has Memorial Dr. frontage and improved access by the widened 121st St. S., and is out of the 100-year Floodplain. Indeed, intensive development is occurring, as described more fully in the paragraphs that follow.

Circa 2005, 121st St. S. between Sheridan Rd. and Memorial Dr. was widened to a 4-lane major street with a 5th, dedicated turning lane in the center, consistent with its designation on the Tulsa City-County Major Street and Highway Plan (MHSP) and Bixby Comprehensive Plan as a Primary Arterial. This infrastructure improvement has further enabled the intensive development of this 1-mile major street corridor.

It appears that, with the exception of the approximately 320' of frontage on 121st St. S. belonging to Fox Hollow, and the 330' of frontage on 121st St. S. belonging to the pending PUD 82 “Somerset” housing addition development, all of the private land along 121st St. S. between Sheridan Rd. and Memorial Dr. has, or is planned or expected to develop/redevelop with intense uses.

In a trend accelerating since the street widening, the 121st St. S. corridor between Sheridan Rd. and Memorial Dr. has seen a significant amount of intensive zoning and development activity. The Bixby North Elementary school is located on a 23-acre campus at 7101 E. 121st St. S., and west of that is the Bixby North 5th and 6th Grade Center on a 10-acre campus and the LifeChurch 4.4-acre facility. The recently demolished Three Oaks Smoke Shop was located on a 2-acre tract at 7060 E. 121st St. S. (its future use is not known), and most of the balance of the land to the west along the south side of 121st St. S. has been zoned CS with PUD 53 and platted in WoodMere for commercial use and office buildings. Per discussions with its owner, triangularly-shaped parcel between the former Smoke Shop and commercial lots in WoodMere should be expected to develop nonresidentially. An 11-acre Plummer Partners, LLC tract at the 7500-block of E. 121st St. S. was approved for CS and OL zoning and commercial development per PUD 51 in 2006. The 40-acre Bixby Centennial Plaza at the northwest corner of 121st St. S. and Memorial Dr. was approved for CS zoning, in 2001, and for commercial development by the plat of Bixby Centennial Plaza in 2006. A 1.6-acre, more or less, tract located at the 7700-block of E. 121st St. S. (possibly previously addressed 7600 E. 121st St. S.) was rezoned to CS in March of 2012. The 92-acre PUD 76 “Scenic Village Park” was approved with CG zoning in 2013, and the features the 80-unit “Covenant Place of Tulsa” assisted living facility under construction now at 7300 E. 121st Pl. S., with 38 units in a future expansion already planned. That 92-acre PUD also contains commercial frontage lots platted with Scenic Village Park in 2013, and will contain future commercial use(s) pursuant to the Preliminary Plat of “Quail Creek Office Park” Conditionally Approved in 2014 and the commercially-oriented Development Area H. Finally, commercial uses are now under development in the 5-acre PUD 83 River Trail II development approved in 2014 at the southwest corner of 126th St. S. and Memorial Dr.

Further enhancing the development potential of this 180-acre area will be the construction of the 74th E. Ave. / 126th St. S. Collector Street system developed as a part of PUD 76. In addition to serving the proposed “Quail Creek of Bixby” and “Quail Creek Villas of Bixby” housing additions interior to the 180 acres, it will additionally serve more commercially-oriented development areas closer to Memorial Dr. and 121st St. S. Further enhancing still will be the recent installation of the stormsewerline along 121st St. S., which will enable eligible properties along 121st St. S., upon development, to “pipe” stormwater to the west to Fry Creek Ditch # 2 with payment of fee-in-lieu, and not be subject to a requirement to construct onsite stormwater detention for that part so conveyed.

The surrounding zoning and land use patterns, recent rezoning and development trends, and the available infrastructure and other physical facts of the area all appear to support the requested rezoning to CS, but care should be taken to ensure compatibility, consistency, and overall development quality.

Whether residential or nonresidential, the City of Bixby has observed that better development outcomes result when properties develop by PUD. PUDs typically secure better planning and site design and afford the community the ability to provide more input into the design, minimum construction standards, and development amenities. Importantly, PUDs help the City achieve its goals and objectives as outlined in the Comprehensive Plan. As recommended by Staff, on February 23, 2015, the City Council temporarily Waived the PUD requirement Zoning Code Section 11-5-2 for Ramsey and Easton properties concerned by BZ-379 and BZ-380, subject to (1) requirement shall be restored prior to the development of the concerned property and (2) that (A) the temporarily suspended requirement, and (B) the requirement's design in furtherance of the City Council's express policy preferring retail uses, shall be disclosed to prospective buyers. Therefore, ultimately, the City will receive PUD application(s) for these properties, designed by the then developers who will be in the position to make specific design changes as the City may request.

Staff Recommendation. For the reasons outlined above, Staff recommends Approval.

Erik Enyart noted that the two (2) properties were surrounded on virtually all sides by commercial zoning, and so these rezonings would fill a "hole" in the Zoning Map.

Chair Thomas Holland recognized Applicant JR Donelson of 8410 E. 111th St. S. Mr. Donelson stated that this would "clean it up so it would fall in with the ordinance the City passed to keep commercial on Memorial Dr." Mr. Donelson stated, "We ask you to approve CS zoning."

Steve Sutton confirmed with Erik Enyart that he recommended Approval.

Chair Thomas Holland confirmed with Erik Enyart that the rezoning would "do away with the OL and residential zoning."

There being no further discussion, Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BZ-379. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Sutton, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

Larry Whiteley made a MOTION to RECOMMEND APPROVAL of BZ-380. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Sutton, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	4:0:0

4. **PUD 87 – "Shadow Valley" – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request for approval of Planned Unit Development (PUD) #

87 for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.

Property Located: 7500 E. 151st St. S.

5. **BZ-381 – Khoury Engineering, Inc.** Public Hearing, Discussion, and consideration of a rezoning request from RMH Residential Manufactured Home Park to RM-3 Residential Multi-Family District for approximately 21.1 acres consisting of all of *Shadow Valley Mobile Home Park* and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4, with proposed underlying zoning RM-3 Residential Multi-Family District.

Property Located: 7500 E. 151st St. S.

Chair Thomas Holland introduced the two (2) related items and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Tuesday, April 14, 2015
RE: Report and Recommendations for:
PUD 87 – “Shadow Valley” – Khoury Engineering, Inc. &
BZ-381 – Khoury Engineering, Inc.

LOCATION: – 7500 E. 151st St. S.
– All of Shadow Valley Mobile Home Park and part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 23, T17N, R13E

SIZE: 21.1 acres, more or less

EXISTING ZONING: RMH Residential Manufactured Home Park District

EXISTING USE: Shadow Valley Manufactured Home Community

REQUESTED ZONING: RM-3 Residential Multi-Family District & PUD 87

SUPPLEMENTAL ZONING: Corridor Appearance District (partial)

SURROUNDING ZONING AND LAND USE:

North: (Across 151st St. S.) AG; An approximately 150-acre tract of vacant/wooded and agricultural land. Across 151st St. S. to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as “Abbett Acres” zoned AG.

South: AG & RS-3/PUD 85; 136.48 acres of agricultural and vacant/wooded land zoned RS-3/PUD 85 “Conrad Farms” and agricultural land to the southwest along Sheridan Rd. zoned AG.

East: AG, CG, & IL; The northerly, AG-zoned portion of an approximately 125.5-acre parcel of land containing the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013 “derecho” / “bow echo” event; greenhouses since removed) and a house, perhaps both addressed 7400 E. 151st St. S., and approximately seven (7) on-site labor houses, and a 3.7-acre rural residential and agricultural tract belonging to the Conrad family zoned AG. East and southeast is Bixby Creek and its attendant easements and rights-of-way primarily zoned AG. Farther east are commercial and industrial uses in Bixby Industrial Park zoned CG and IL.

West: CH, IL, CS, and AG; The “Spectrum Plaza” trade center zoned CH, a single-family house on 1-acre zoned IL, and a CS district containing the Bethesda Girls Home at 7106 E. 151st St. S., another nonresidential building (former location of the Living Water Family Church) at 7102 E. 151st St. S., and the Bixby Chiropractic at 7100 E. 151st St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

COMPREHENSIVE PLAN: Development Sensitive + Residential Area + Corridor + Community Trails

PREVIOUS/RELATED CASES:

RELEVANT AREA CASE HISTORY: (not a complete list; cases east of Bixby Creek and Memorial Dr. not included here)

BBOA-70 – Luther Metcalf for Melvin Skaggs – Request for Special Exception to allow a single family dwelling (site built) in an RMH district for property of approximately 3 ¾ acres abutting subject property to the north and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 01/08/1980.

BZ-81 – Jerry Green – Request for rezoning from RMH to IL for approximately 4.8 acres, which included a house on 1 acre and the (now) 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Recommended Approval 03/31/1980 and City Council Approved 04/21/1980 (Ord. # 395).

BL-107 – Jerry Green – Request for Lot-Split approval to separate approximately 4.8 acres into (1) a 1 acre tract with a house and (2) the (now) 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Approved 10/28/1985 and City Council Approved 11/12/1985 per case notes.

BZ-199 – Dan Stilwell – Request for rezoning from RMH to CG for approximately 3 ¾ acres abutting subject property to the north and now addressed 7100, 7102, and 7106 E. 151st St. S. – PC recommended Approval 05/18/1992 and City Council Approved 05/25/1992 (Ord. # 667). However, the legal description used may not have closed and the ordinance did not contain the approved Zoning District. The official Zoning Map reflects CS instead of CG. Any interested property owner may petition the City of Bixby to reconsider a CG designation as an amendment to Ordinance # 667 per BZ-199, subject to the recommendations and instructions of the City Attorney.

BBOA-252 – Dan Stilwell – Request for Special Exception to allow horses as a Use Unit 20 use in the (then requested) CG district for property of approximately 3 ¾ acres abutting subject property to the north and now addressed 7100, 7102, and 7106 E. 151st St. S. – BOA Approved 06/01/1992.

BZ-283 – Mike Marker – Request for rezoning from AG to CS for a 1.3-acre tract to the west of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – PC Recommended Approval 02/19/2002 and City Council Approved 03/11/2002 (Ord. # 848).

BBOA-381 – Mike Marker – Request for Variance from the parking standards of Zoning Code Chapter 10 Section 1011.4 for a 1.3-acre tract to the west of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – BOA Approved Variance, to include requiring 62 parking spaces, 05/06/2002.

BBOA-389 – Joe Donelson for Mike & Pam Marker – Request for Variance from the sign setback requirement of Zoning Code Chapter 2 Section 240.2(e) for a 1.3-acre tract to the west of subject property and containing the Leonard & Marker Funeral Home main building at 6521 E. 151st St. S. – BOA Approved 08/05/2002.

BZ-287 – Randy King – Request for rezoning from AG to CG for a 4-acre tract to the northwest of subject property at 6825 E. 151st St. S. – PC (09/16/2002) Recommended Denial and suggested that the item be brought back as a PUD; denial recommendation evidently not appealed to City Council.

BBOA-423 – Karen Johnson – Request for Floodplain variance “to allow fill in the floodplain without providing compensatory storage (Engineering Design Standards Section E)” for property to the east of subject property at 7580 E. 151st St. S., a former NAPA auto parts store that had been destroyed by fire – BOA Denied 07/13/2004.

AC-05-01-01 – Commercial buildings for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – Architectural Committee Approved 01/27/2005.

BZ-325 – The Porter Companies, Inc. for Claxton/Clayton Broach Trust – Request for rezoning from AG to CS for a 150-acre tract located to the north of subject property in the 6900 : 7700-block of E. 151st St. S. – PC Recommended Approval 01/16/2007. Withdrawn by Applicant by letter dated 02/05/2007 (letter requested the application be “postponed... until such time that the Porter Companies take title to the property).”

AC-07-08-06 – Architectural Committee (08/20/2007) reviewed the building plans for a proposed new building for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. and Continued the case pending the resolution of Zoning issues. AC took no action on 09/17/2007 due to discovery of lack of jurisdiction (building not within 300’ Corridor Appearance District).

BBOA-460 – JR Donelson for Oman Guthrie – Request for Special Exception per Zoning Code Section 11-11-8 for an alternative compliance plan to parking and screening requirements in the CH Commercial High Intensity District for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – BOA Approved 10/01/2007.

BZ-335 – JR Donelson for Oman Guthrie – request for rezoning from IL to CH for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Recommended Approval 10/15/2007 and City Council Approved 11/12/2007 (Ord. # 982).

BLPAC-1 – JR Donelson for Oman Guthrie – Landscaping Plan Alternative Compliance plan per Zoning Code Section 11-12-4.D for the 3.4-acre “Spectrum Plaza” property abutting subject property to the west and north at 7220/7222/7224 E. 151st St. S. – PC Conditionally Approved 11/19/2007.

BCPA-8, PUD 75 “LeAnn Acres,” & BZ-359 – JR Donelson, Inc. / Roger & LeAnn Metcalf – request to (1) amend the Comprehensive Plan Land Use Map to redesignate those parts of the property presently designated “Low Intensity” and/or “Special District # 4” to “Medium Intensity” and remove the “Special District # 4” designation, (2) rezone from AG to RM-2, and (3) approve PUD 75 for a multifamily development on approximately 25 acres abutting the subject property to the west at 15329 S. Sheridan Rd. – PC Recommended Conditional Approval 01/21/2013 and City Council Conditionally Approved 01/28/2013. However, ordinance not approved because the PUD package presented was not in its final form / did not incorporate the required Conditions of Approval. To date, the final PUD package has not been received. All applications were recognized as “inactive” and filed away on 04/29/2014.

BZ-376 – Joseph Guy Donohue for J.C. & Lila Morgan – request for rezoning from IL to CH for a 1-acre tract to the west of subject property at 6636 E. 151st St. S. (to be re-addressed 7108 and 7110 E. 151st St. S.) – PC Recommended Denial absent a PUD 08/18/2014. Not appealed to City Council.

BCPA-12, PUD 85, & BZ-377 – Conrad Farms Holdings, LLC – Request to amend the Comprehensive Plan to remove the Special District # 4 designation, rezone from AG to RS-3, and approve PUD 85 for a single-family residential development on 136 ½ acres abutting subject property to the south – PC recommended Conditional Approval 09/15/2014. City Council Conditionally Approved 11/10/2014 (Ord. # 2143).

PUD 85 – Conrad Farms – Minor Amendment # 1 – Request for approval of Minor Amendment # 1 to PUD 85 for a single-family residential development on 136 ½ acres abutting subject property to the south – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement.

Sketch Plat of “Conrad Farms” – Request for approval of a Sketch Plat for a single-family residential development on 136 ½ acres abutting subject property to the south – On 02/17/2015, as requested by Applicant, PC Tabled and provided that the Applicant may return the applications to any Planning Commission agenda within one (1) year, provided the Applicant gives the City at least one (1) month’s advance notice of the next agenda placement.

BACKGROUND INFORMATION:

The Public Notice for these two (2) applications has elicited a number of phone calls and office visits from current residents of the Shadow Valley Manufactured Home Community asking whether the approval of the applications would result in their relocation. Staff has responded that this appears to be the case and directed them to contact the property owner for further information.

During the TAC meeting held April 01, 2015, the Applicant advised Staff that, due to the fact that the outcome of the zoning changes was not known, the owners were not in the position to tell the residents [about something that may not happen], that the owners would be allowing an extended relocation timeline for the residents, that the law required 30 days, but the owners would plan to give “in excess of six (6) months notice,” that the owners were in communication with other [mobile home] parks in the area to discuss potential relocation, and that some of the units were not in adequate condition to be moved and would have to be demolished.

ANALYSIS:

Subject Property Conditions. The subject property of 21.1 acres, more or less, is zoned RMH Residential Manufactured Home Park District and is composed of two (2) parcels of land:

1. All of Shadow Valley Mobile Home Park: Approximately 10.39 acres, contains the southerly portion of the Shadow Valley Manufactured Home Community, Tulsa County Assessor's Parcel # 58030732325860, and
2. Part of the W/2 of the NE/4 of the NW/4 and part of the W/2 of the E/2 of the NE/4 of the NW/4 of Section 23, T17N, R13E: Approximately 10.6 acres, contains the northerly portion of the Shadow Valley Manufactured Home Community, Tulsa County Assessor's Parcel # 97323732325260.

The subject property is relatively flat and appears to primarily drain to the east to Bixby Creek; southerly parts appear to drain south toward a wooded drainageway and drainage basin located on the Conrad Farms property abutting to the south.

The northeast corner of the subject property, including the singular private drive access to 151st St. S., presently contains an area of 100-year floodplain attendant to Bixby Creek. As this PUD acknowledges, the proposed redevelopment of the subject property will require additional access out of the 100-year Floodplain as will be recommended by City Staff upon receipt of actual development plans.

The subject property is presently served by the critical utilities (water, sewer, electric, etc.). Plans for utilities are adequately described in the text and represented on Exhibit C, and are discussed further in the City Engineer's memo.

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Development Sensitive, (2) Residential Area, (3) Corridor, and (4) Community Trails.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the requested RM-3 district is In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map. Also per the Matrix, the requested RM-3 district May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

"The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific "Land Use" (other than "Vacant, Agricultural, Rural Residences, and Open Land," which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the "Land Use" designation on the Map should be interpreted to "recommend" how the parcel should be zoned and developed. Therefore, the "Land Use" designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

The site is developed, and so this test does not appear to apply. Staff notes, however, that the requested RM-3 district and residential use should be considered substantially consistent with the Residential Area land use designation of the Comprehensive Plan Land Use map.

Per the Matrix, PUDs (as a zoning district) and the requested RM-3 district are both In Accordance with the Corridor designation of the Comprehensive Plan Land Use Map and May Be Found In Accordance with the Development Sensitive designation of the Comprehensive Plan Land Use Map. Provided it is approved with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below, Staff believes that PUD 87 should be found In Accordance with the Comprehensive Plan as a zoning district.

Due to all of the factors listed and described above, Staff believes that the proposed RM-3 zoning and residential development proposed per PUD 87 should be found In Accordance with the Comprehensive Plan, provided they are approved together and with the recommended modifications and Conditions of Approval pertaining to the PUD listed in the recommendations below.

The Comprehensive Plan Land Use Map designates a Community Trail more or less paralleling the west side of Bixby Creek from the old Railroad line south of 141st St. S. to its former (pre-channelized) confluence with the Arkansas River. This trail appears to cross 151st St. S. through the northeast corner of the subject property. The Matrix only includes, and the Zoning Code only requires consistency with the land use elements for rezoning purposes, not the Public Facilities / Urban Design Elements such as trails.

However, please reference related PUD recommendations for design enhancements to support the overall multifamily development quality.

General. The PUD proposes a multifamily residential redevelopment of the existing Shadow Valley Manufactured Home Community with a maximum of 527 dwelling units, per PUD Development Standards and the proposed underlying RM-3 zoning. The PUD provisions of the Zoning Code would enable slightly more, as it allows for the use of ½ of the abutting 151st St. S. right-of-way in the multifamily dwelling units per land area formula, which option this PUD does not exercise.

The submitted site plan does not include any specific development designs. Per discussions with the Applicant, Staff understands that this is because, if approved for rezoning and PUD, the property would be sold to a third-party developer, and so the future PUD Detailed Site Plan will be prepared by the then developers who will be in the position to make specific design changes as the City may request. Therefore, the Applicant has not represented proposed location of uses, off-street parking, open spaces, public and private vehicular and pedestrian circulation, or signage. The PUD chapter of the Zoning Code may anticipate such generalized PUDs, as it includes in Sections 11-7I-8.B.1.b and .d requirements that are conventionally expressed in the PUD Text, and not on the site plan itself.

To satisfy the spirit and intent of the specific informational elements of the PUD conceptual site plan, (1) the connection of required elements between the Text and the site plan Exhibits is established by the provision of development standards for the singular Development Area A and the representation of the singular Development Area A on the Exhibit B PUD Plan and (2) Staff recommends that the required PUD Detailed Site Plan be reviewed and recommended upon by the Planning Commission and Approved by the City Council.

The proposed development standards are nearly identical to those of PUD 70 Encore on Memorial, except that it allows the generation of 25 dwelling units per acre, versus 20 per acre with Encore, and requires 20' setbacks around the entire development, versus 10' setbacks except for a 20' front yard setback.

Because the review methodology is similar, and both applications are essentially rezoning-related and propose to prepare the subject property for the same single-family residential subdivision development, this review will, for the most part, include both applications simultaneously, and not attempt to differentiate between the analyses pertaining to each of the different applications.

In the interest of efficiency and avoiding redundancy, regarding PUD particulars for needed corrections and site development considerations, please refer to the recommended Conditions of Approval as listed at the end of this report.

The Fire Marshal's, City Engineer's, and City Attorney's review correspondence are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

The Technical Advisory Committee (TAC) discussed PUD 87 at its regular meeting held April 01, 2015. Minutes of that meeting are attached to this report.

Access and Internal Circulation. Plans for access and internal circulation are described in the "Access and Circulation" section of the PUD Text as follows:

"The main Ingress and egress to **Shadow Valley** will be from 151st Street South. The existing driveway along the east side will be improved and removed from the 100 yr flood plain by installing drainage structure under the access road. A second access road will eventually be installed to provide a secondary means of access to 151st Street. The location of the secondary access will be determined upon acquiring additional property between this development and 151st Street. Sidewalks, minimum 4 feet in width, will be installed by the developer along all street frontages in accordance with the Subdivision Regulations. The sidewalks will be ADA compliant to be approved by the City Engineer. The minimum width of the internal drives will be 26 feet and the minimum gate width will be 14 feet. A Knox rapid entry system will be installed. Internal sidewalks will be provided to enhance the quality of the development and to provide a convenient and safe passageway for pedestrians."

Plans for access can be further inferred from the site plans. The site plans indicate a "Potential Second/ary Access" via an approximately 2.5-acre tract of land at 7102/7106 E. 151st St. S. Per the discussion at the April 01, 2015 TAC meeting, Staff understands that the Applicant has been in discussions with the owner of this property about such access. If this is not secured prior to PUD approval, the designations on the site plans should be removed and other appropriate adjustments made to require secondary access.

Per the discussion at the April 01, 2015 TAC meeting, the Fire Marshal has expressed some concern regarding compliance with the Fire Code requirement for a minimum separation between access roads based on a formula using the diagonal width of the development tract. PUD approval should be subject to all Fire Marshal recommendations as to access, as listed as recommendations # 2 and # 3 below.

Due to the scale of this development, 527 apartment units, Staff has recognized a need to consider the number and formats of points of access in proportion to the number of dwelling units served. This ratio matter was discussed for the single-family housing additions “Willow Creek,” “The Trails at White Hawk,” and “Conrad Farms” developments proposed and approved most recently in 2013 and 2014.

For single-family housing addition developments, the Subdivision Regulations do not contain a ratio schedule for the number of required points of access to a subdivision based on the number of lots within it. Recommendations as to adequacy of the three (3) means of ingress and egress in ratio to the number of lots proposed should and have previously come from the City Planner, Fire Marshal, and Police Chief. In the case of “Willow Creek” in 2008, when 254 lots were proposed, all considered and expressed that the three (3) points of access should be considered adequate, two (2) of which points of access consisted of a Collector Street connecting 131st St. S. to Mingo Rd. All three (3) verbally indicated that the three (3) were still adequate when that number was increased to 276 lots in 2009. Once more, all three (3) indicated that the three (3) were still adequate when that number was increased to 291 lots in 2013. In the case of “The Trails at White Hawk,” City Staff concurred that three (3) points of access would be acceptable for the 261 residential lots planned behind a commercial frontage development area, including a Collector Street connecting 151st St. S. to Lakewood Ave. in The Ridge at South County, which in turn connects to 141st St. S. The third access serving “The Trails at White Hawk” is an emergency access drive connection to Kingston Ave. In the case of “Conrad Farms,” City Staff concurred that three (3) points of access would be acceptable for the 500 residential lots legally entitled by PUD 85 be served by not less than three (3) points of access, two (2) of which shall consist of a Collector Street connecting 161st St. S. to one (1) other Arterial Street.

For multifamily developments, neither the Zoning Code nor the Subdivision Regulations contains a ratio schedule for the number of required points of access to a multifamily development based on the number of dwelling units served. PUD 61 “Marquis on Memorial” developed 132 apartment units and has two (2) points of access, being the reduced-width 82nd E. Ave. residential Collector Street connecting 146th St. S. and 148th St. S. PUD 70 “Encore on Memorial” developed 248 apartment units and has two (2) points of access, being the 126th St. S. Collector Street and an emergency-access drive along the former Fry Creek maintenance road connecting to Memorial Dr. Proposed PUD 81 “Chateau Villas” proposes 375 apartment units and two (2) points of access.

This PUD 87 would legally entitle up to 527 apartment units, and proposes two (2) points of access. City Staff has considered what measure of access will be acceptable. The Fire Marshal, Fire Chief, Police Chief,² and City Planner recommend two (2) points of access, consisting of at least one (1) Collector Street connecting to 151st St. S. and a secondary regular access drive or emergency-access only drive. If the secondary access is designed and approved as an emergency-access only drive, the Collector Street should be designed with not less than two (2) driveway connections thereto, of adequate width and separation. The latter design would likely require the Collector Street be extended throughout the north-south depth of the subject property.

The existing PUD Text should be enhanced to specify that at least one (1) Collector Street, for which Subdivision Regulations Section 9.2.2 requires a minimum of 60’ of right-of-way and 36’ of paving width, will serve the development and connect to 151st St. S. The PUD site plans should be updated to reflect street configuration changes pursuant to these connectivity recommendations.

The City of Bixby has the responsibility to ensure that development properties are not hampered by lack of planning and access provision when abutting properties are developed. The Subdivision Regulations require stub-out street provision to all adjoining unplatted tracts. Abutting the subject property to the south is the 136½ -acre PUD 85 “Conrad Farms” housing addition development property. During the approval of PUD 85, City Staff recommended, and the PUD included a requirement that the 500 single-family lots legally entitled by the PUD be served by not less than three (3) means of ingress/egress, two (2) of which shall consist of a Collector Street connecting 161st St. S. to one (1) other

² The Police Chief has stated that he is not in favor of an additional apartment complex, but if it is to be approved, minimum required access should be as recommended herein.

Arterial Street. During the review of the “Conrad Farms” Sketch Plat and PUD 85 Minor Amendment # 1 applications, City Staff recommended that the Collector Street connect 161st St. S. to 151st St. S., as opposed to Sheridan Rd. or Memorial Dr. City Staff recognizes that the improvement of the existing access to the subject property and/or the provision of a secondary means of ingress/egress, as proposed to be required by this PUD, may additionally serve to provide, whether it be by the Collector Street or something less, the additional recommended access to 151st St. S. for the PUD 85 development property. City Staff has discussed this matter with the Applicant, and the Applicant has not expressed objection to this concept. Staff recommends the PUD Text provide language specifying the potential for through access to the PUD 85 development property to the south during the platting and site plan approval stages. Through access provisions may ultimately take the form of platted Public right-of-way allowing for future connection by third parties.

INCOG regional trails plans and the Bixby Comprehensive Plan show a trail as planned along west side of Bixby Creek; the latter designates the same a “Community Trail.” Staff requests the developer consider (1) constructing a walking trail within or along the abutting Bixby Creek right-of-way as an amenity for the multifamily development, or otherwise describe plans provide for future connections to same during the platting of the development, and (2) incorporating pedestrian / trail elements within the development consistent with the intent of the Comprehensive Plan. These enhancements would help the PUD provide a “unified treatment of the development possibilities of the project site” and “achieve a continuity of function and design within the development.” If the developer would be willing to make such improvement(s), appropriate language should also be added to the PUD Text Section “Access and Circulation” and the PUD site plan should be updated accordingly.

Surrounding Zoning and Land Use Compatibility. Surrounding zoning is primarily CS, CH, CG, IL, AG, and RS-3/PUD 85. See the case map for illustration of existing zoning patterns, which are described in the following paragraphs.

Across 151st St. S. to the north is vacant/wooded and agricultural land zoned AG, and to the northwest is rural residential along 68th E. Ave. and 149th / 148th St. S. in an unplatted subdivision possibly known as “Abbett Acres,” zoned AG.

To the east is the part of the former Conrad Farms’ farmland on a tract of land containing approximately 125.5 acres (the SE/4 of the NW/4 and the NW/4 of the SE/4 and the W/2 of the SW/4 of the NE/4 and part of the N/2 of the N/2. This parcel contains the former Conrad Farms retail facility (partially damaged by the July 23:24, 2013 “derecho” / “bow echo” event; greenhouses since removed) and a house, perhaps both addressed 7400 E. 151st St. S., and approximately seven (7) on-site labor houses east of the southeast corner of the subject property. Farther to the east is a 3.7-acre rural residential and agricultural tract at 7402 E. 151st St. S., also belonging to the Conrad family and commercial and industrial uses in Bixby Industrial Park zoned CG and IL. Cutting through these areas diagonally downstream to the southeast is Bixby Creek and its attendant easements and rights-of-way primarily zoned AG.

Abutting to the west and north is the approximately 3.4-acre “Spectrum Plaza” trade center property zoned CH. Immediately west of that is a single-family house on 1-acre zoned IL. Abutting to the north is approximately 3 ¾ acres of CS zoning containing the Bethesda Girls Home at 7106 E. 151st St. S. and another nonresidential building (former location of the Living Water Family Church) at 7102 E. 151st St. S. and the Bixby Chiropractic at 7100 E. 151st St. S. Farther west along the east side of Sheridan Rd. are several vacant/wooded, agricultural, and rural residential tracts of land zoned AG.

Abutting the subject property to the south is the 136½-acre PUD 85 “Conrad Farms” housing addition development property. Staff believes that, if properly enhanced as recommended herein, the proposed RM-3 zoning and multifamily PUD would serve as an appropriate buffer between single-family residential development land to the south and more intensive IL, CH, and CS zoning and commercial uses fronting on 151st St. S.

As required by Zoning Code Section 11-7I-8.B.1.e., the PUD proposes to buffer the proposed multifamily development from the future single-family residential to the south with a 6’-tall screening fence and “a twenty (20) foot wide landscaped buffer. This landscape buffer will be planted with at least one (1) tree per 1000 square feet of buffer area and at least one half of the trees shall be evergreen.” Staff believes that additional buffering measures should be required, such as massing (height, especially) restrictions for such buildings, a specific height limitation based on a formula factoring the distance to the nearest single-family residential property line, building placement and/or orientation, window-facing or window-screening restrictions, etc.

PUD 81 “Chateau Villas PUD,” for which the City Council Conditionally Approved an application for Major Amendment # 1 on March 30, 2015, contained specific minimum standards oriented toward buffering that PUD’s multifamily development area from the established single-family residential neighborhood in Houser Addition abutting to the east. These included:

- Enhanced screening fences/walls and landscaping pursuant to previous PUD 68,
- A 75’ minimum setback from the single-family residential areas for the three (3) story buildings as initially approved, and then a 75’ minimum setback when the buildings were reduced to two (2) stories,
- A 200’ (or potentially more) minimum setback from the single-family residential areas for the fourth-story portions of multifamily buildings at 50’ in height,
- Restriction of windows from east-facing 2-story buildings, with potential allowances for clerestory or faux windows.

The proposed RM-3 zoning and multifamily PUD would likely result in an increased intensity of land use. Per Staff’s estimation of GIS and aerial data, the existing manufactured home park contained roughly 163 individual manufactured home spaces. Per 2014 aerial data, Staff estimated there were roughly 83 actual manufactured homes in the park at that time. The Corridor designation of the Comprehensive Plan Land Use Map, however, contemplates intensive redevelopment for the subject property.

The proposed RM-3 zoning and multifamily PUD would also be consistent with the RM-2 zoning and PUD Conditionally Approved for the 25-acre development tract abutting to the west per BCPA-8/PUD 75 “LeAnn Acres.” However, since the final PUD Text and Exhibits were never submitted, the City of Bixby never effected the approval of the applications by ordinance, and the official Zoning Map continues to reflect AG zoning.

For all the reasons outlined above, Staff believes that RM-3 zoning and PUD 87 would not be inconsistent with the surrounding zoning, land use, and development patterns and are appropriate in recognition of the available infrastructure and other physical facts of the area.

Development Quality / Multifamily Use PUD Element. Not including assisted living facilities, Bixby has four (4) apartment complexes. Parkwood Apartments was constructed in or around 1973. The Links at Bixby was developed in or around 1996, and was done with PUD 16. Marquis on Memorial was developed in 2008/2009, and was done with PUD 61. Encore on Memorial was developed in 2011 and was done with PUD 70. PUD 75 “LeAnn Acres” and PUD 76 “Scenic Village Park” were conditionally approved in 2012/2013, and PUD 81 “Chateau Villas PUD” was approved in 2013/2014 and Conditionally Approved for Major Amendment # 1 on March 30, 2015. Since 1973, no apartment development has been developed in Bixby absent a PUD, and the PUDs arguably contribute to the improvement of the value and quality of such projects.

To ensure the highest value and quality for any multifamily development that may occur on the subject property, consistent with the City Council’s recent Conditional Approvals of multifamily PUDs 70, 75, PUD 76 (which originally included limited multifamily use elements), 81 “Chateau Villas PUD,” and to a certain extent multifamily PUD 61 (“Marquis on Memorial”), Staff recommends multifamily PUDs incorporate an appropriate variation of the following, which should help ensure the development product is of adequate quality and is adequately invested for the long term:

1. Consistent with PUDs 61, 70, 75, 76, and 81, the adequacy of multifamily construction quality shall be determined by means of a PUD Detailed Site Plan, which is hereby recommended to be reviewed and recommended upon by the Planning Commission and approved by the City Council.
2. Consistent with PUDs 70, 75, 76, and 81, multifamily PUDs should propose a specific masonry requirement for all buildings or otherwise each multifamily development building type (Encore on Memorial included a 25% masonry requirement for the standard 3-story apartment buildings [“Type I”], a 35% masonry requirement for the modified-type 2/3-story apartment buildings [“Type III”], and a 40% masonry requirement for the leasing office. The garages and carport buildings had no masonry requirement). The non-masonry balance of the buildings consisted of a cementitious fiber masonry alternative. This PUD proposes the same proportions, sans the 35%/Type III. PUD 81, as originally approved, included “not less than 75% masonry materials from the ground to the top floor top plate.” It is now Conditionally Approved to have, on average throughout the development, not less than 40% traditional masonry (brick and stone), with not less than 20% on any building, and the balance of all structures being cementitious fiber

“with a stucco appearance” masonry alternative. As such, PUD 81 would have the highest masonry standards of any multifamily PUD proposed in Bixby to date. The Applicant should consider increasing the traditional masonry standard consistent with PUD 81, as may be specifically modified by the City Council in recognition of circumstantial and contextual factors, and consider proposing a masonry alternative for the balance of the buildings or a certain percentage of the balance of the buildings.

- 3. Consistent with PUDs 70, 75, 76, and 81, multifamily PUDs should describe in the PUD what will be done with existing natural features. In this case, such elements could include the hillside to the west, Bixby Creek to the northeast, and mature trees along the property perimeters (including within the proposed 20' landscaped buffers) and throughout the redevelopment site.*
- 4. Consistent with similar recommendations for PUDs 70, 76, and 81, and in recognition of INCOG regional trails plans and the Bixby Comprehensive Plan, consider whether the property perimeters and/or the concerned portion of the west bank of Bixby Creek within the adjacent Bixby Creek right-of-way could be improved as a walking trail amenity for the development. Internal sidewalks could link to the perimeter trails / public trail on the perimeter. If the developer would be willing to make such improvements, appropriate language should also be added to the PUD Text section entitled “Access and Circulation” and the same should be represented on the appropriate site plans.*
- 5. Describe additional measurable minimum standards for land use buffering and compatibility needs. See the analysis above describing (1) the minimum screening, buffering, and landscaping standards, and (2) measures to mitigate land use interface issues between multifamily use and parking lots and single-family residential uses planned to the south per PUD 85 “Conrad Farms.”*
- 6. Consistent with PUDs 70, 75, and 81, consider proposing more than 15% minimum lot area landscaping for the multifamily DA. PUD 70 was approved with 15%, PUD 75 was Conditionally Approved with 16.8%, and PUD 81 “Chateau Villas PUD” was approved with 15% but was most recently Conditionally Approved at 30%.*

Zoning Code Section 11-7I-8.C requires PUDs be found to comply with the following prerequisites:

- 1. Whether the PUD is consistent with the comprehensive plan;*
- 2. Whether the PUD harmonizes with the existing and expected development of surrounding areas;*
- 3. Whether the PUD is a unified treatment of the development possibilities of the project site; and*
- 4. Whether the PUD is consistent with the stated purposes and standards of this article.*

Regarding the fourth item, the “standards” refer to the requirements for PUDs generally and, per Section 11-7I-2, the “purposes” include:

- A. Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;*
- B. Permit flexibility within the development to best utilize the unique physical features of the particular site;*
- C. Provide and preserve meaningful open space; and*
- D. Achieve a continuity of function and design within the development.*

For the sake of development and land use compatibility, as described more fully above, Staff would be supportive of the Zoning approvals supporting the development proposal if it (1) offers quality-enabling standards such as outlined above, (2) provides for land use buffering and compatibility needs, and (3) provides for adequate access as recommended by City Staff. If these were satisfactorily provided for, Staff believes that the prerequisites for PUD approval per Zoning Code Section 11-7I-8.C will have been met.

Staff Recommendation. For all the reasons outlined above, Staff believes that the surrounding zoning and land uses and the physical facts of the area weigh in favor of the requested PUD and rezoning

applications generally. Therefore, Staff recommends Approval of both requests, subject to the following corrections, modifications, and Conditions of Approval:

1. The approval of RM-3 zoning shall be subject to the final approval of PUD 87 and vice-versa.
2. Subject to the satisfaction of all outstanding Fire Marshal, City Engineer, and City Attorney recommendations. This item may be addressed by adding a "Standard City Requirements" section to the PUD Text, with language such as "Standard requirements of the City of Bixby Fire Marshal, City Engineer and City Attorney shall be met."
3. Subject to City Engineer curb cut ODOT curb cut / driveway permit approval for modifications to the existing entrance drive, and any new driveway connections to with State Hwy 67 (151st St. S.), and the Fire Marshal's approval of locations, spacing, widths, and curb return radii. This item may be addressed by adding to "Access & Circulation" section of PUD Text appropriate language such as "All driveway and/or street connections shall be reviewed and approved by all jurisdictions having authority including, but not limited to: City of Bixby Engineering and Fire Marshal and the Oklahoma Department of Transportation."
4. Please address within the Text and Exhibits, or otherwise by letter to the Planning Commission, the six (6) numbered recommendations listed above pertaining to development quality and multifamily developments.
5. Please update all PUD number blanks with number 87.
6. Development Concept & Character: Please specify that the RM-3 zoning is being requested per BZ-381.
7. Detail Site Plan Review: Please add appropriate language incorporating recommendation herein that the required PUD Detailed Site Plan shall be reviewed and recommended upon by the Planning Commission and approved by the City Council.
8. Landscaping and Screening: Please clarify the text such as "...at least one (1) tree per 500 square feet of street yard (using the 35' minimum setback pursuant to Zoning Code Section 11-7I-5.E) and..."
9. Landscaping and Screening: Please clarify that the Street Yard tree planting requirements attending any new public or private streets constructed within or adjacent to the development will be Street Yards as would otherwise be required by the RM-3 district pursuant to Zoning Code Section 11-7I-5.E.
10. Landscaping and Screening: Regarding the 6' fence, please replace cardinal directions references with "around all property perimeters," or with more specifics if that is not the intent.
11. Landscaping and Screening: Because the PUD lacks sufficient details for landscaping and screening, please add language such as "To mitigate the visual effects which commonly attend intense uses such as multifamily, and in recognition of Zoning Code Section 11-7I-6, the owner acknowledges that the ultimate landscaping and perimeter requirements may be more than that described in this PUD, in exchange for the special benefits conferred upon the developer by this PUD."
12. Grading and Utility Plans: Regarding the extent of the 100-year Floodplain, please replace the description with "Northeast portions of the subject property, including the singular existing entrance drive, are located within..."
13. Grading and Utility Plans: Please update as appropriate to reflect new sanitary sewer infrastructure as per the City Engineer's review memo.
14. Grading & Utility Plans: The plat of Shadow Valley Mobile Home Park indicates [Utility] Easements cut through the central parts of the platted area, which will likely ultimately frustrate reasonable multifamily site development plans. Although easement information for the northerly part of the manufactured home park was not provided to the City, it is reasonable to expect some measure of U/Es or other easements may affect the northerly part. The PUD Text should explain here whether the plat of Shadow Valley Mobile Home Park or otherwise its internal U/Es, and if any other inconvenient easements affecting either lot of record will be vacated prior to replatting for the redevelopment.
15. Access and Circulation: Please modify language to incorporate City Staff recommendations pertaining to ultimate access serving the multifamily redevelopment on the subject property. All references to private Residential Collector Streets (for primary access) or Low Density Residential Minor Streets (for secondary access) should specify that the same will be designed

- and constructed to City of Bixby minimum standards for corresponding public streets per Subdivision Regulations Section 9.2.2 and the Bixby Engineering Design Criteria Manual.
16. Access and Circulation: Please provide language specifying the potential for through access to the PUD 85 development property to the south during the platting and site plan approval stages. Through access provisions may ultimately take the form of platted Public right-of-way allowing for future connection by third parties.
 17. Access and Circulation: Please modify language, “The existing driveway along the east side shall be improved as a public or private street and/or private drive and removed from the 100 Year...”
 18. Access and Circulation: Please modify language, “A second public or private access road...”
 19. Access and Circulation: Please remove term “eventually” and add language providing that no Building Permits shall be issued for any building within PUD 87 until both required means of ingress/egress have been constructed and/or reconstructed and approved by the City Engineer.
 20. Access and Circulation: Please add language acknowledging the existing sidewalk along 151st St. S. and specifying its width.
 21. Access and Circulation: Please acknowledge the sidewalk construction requirement with language such as “In accordance with the Bixby Subdivision Regulations, sidewalks shall be constructed by the developer along all public or private streets and/or private drives and shall connect the internal sidewalk network to the existing sidewalk along 151st St. S. New sidewalks shall be a minimum of four (4) feet in width, shall be ADA compliant, and shall be approved by the City Engineer.”
 22. Access and Circulation: Please address trail matters as discussed above in the analysis section of this report.
 23. Access and Circulation: Please update language, “A Knox rapid entry system will be installed” with current recommendations / practice such as “A rapid entry system with radio transmitters, approved by the Fire Marshal, shall be installed,” in order to allow access to all emergency responders.
 24. Signs & Site Lighting: Consider whether the 32 square feet of maximum display surface area for the multifamily development’s identification sign will be adequate; if not, please specify development standards for same. Sign(s) should be identified on the site plans if known at this time.
 25. Signs & Site Lighting: In light of the preceding item, consider qualifying the following sentence as follows: “All signage shall comply with the Bixby Zoning Code except as otherwise specifically provided herein.”
 26. Signs & Site Lighting: The specific lighting fixtures proposed are identical to those used in the 2010 PUD for Encore on Memorial. If this is not yet known, the language should be written less specifically.
 27. Signs & Site Lighting: Please add a standard that the photometric plan demonstrate 0.0 footcandles at all property boundaries shared with all properties in an RS district and/or actually used for single-family residential.
 28. Scheduled Development: Please remove ambiguity by restating such as “late 2016” or “early 2017.”
 29. Legal Description: Please consider whether the legal description should include reference to the fact that it contains all of Shadow Valley Mobile Home Park, as Staff used in the legal description for the Public Notice.
 30. Exhibits: A conceptual landscape plan, or otherwise a site plan conceptually reflecting proposed landscaping, is a required PUD element per Zoning Code / City Code Section 11-7I-8.B.1.e, and is respectfully requested.
 31. Exhibits A, B, and C: The site plans indicate a “Potential Second/ary Access” via an approximately 2.5-acre tract of land at 7102/7106 E. 151st St. S. Per the discussion at the April 01, 2015 TAC meeting, Staff understands that the Applicant has been in discussions with the owner of this property about a such access. If this is not secured prior to PUD approval, the designations on the site plans should be removed and other appropriate adjustments made to require secondary access.

32. Exhibits B and C: Please represent the [Utility] Easements as per the recorded plat of Shadow Valley Mobile Home Park, any other easements of record affecting the subject property, and a minimum 17.5' perimeter Utility Easement along with description "to be dedicated by plat."
33. Exhibits B and C: The following corrections or enhancements should be made to Exhibits B and/or C if/as appropriate:
 - a. Please represent and label the width of the existing sidewalk along 151st St. S.
 - b. Please indicate the centerline and dimension the widths of 151st St. S. and dimension the distance between the subject property and the curb line or centerline.
 - c. Please represent curb return radii for the existing driveway intersection with 151st St. S. as represented.
34. Exhibit C: Please correct typos in Exhibit's title, "Existing Contours & Utilities."
35. Exhibit C: Please update as appropriate to reflect new sanitary sewer infrastructure as per the City Engineer's review memo.
36. For the recommended Conditions of Approval necessarily requiring changes to the Text or Exhibits, recognizing the difficulty of attaching Conditions of Approval to PUD ordinances due to the legal requirements for posting, reading, and administering ordinance adoption, please incorporate the changes into appropriate sections of the PUD, or with reasonable amendments as needed. Please incorporate also the other conditions listed here which cannot be fully completed by the time of City Council ordinance approval, due to being requirements for ongoing or future actions, etc. Per the City Attorney, if conditions are not incorporated into the PUD Text and Exhibits prior to City Council consideration of an approval ordinance, the ordinance adoption item will be Continued to the next City Council meeting agenda.
37. A corrected PUD Text and Exhibits package shall be submitted incorporating all of the corrections, modifications, and conditions of approval of this PUD: two (2) hard copies and one (1) electronic copy (PDF preferred).

Erik Enyart stated that, for the record, the owner had stated during the Technical Advisory Committee (TAC) meeting that they would provide more than the minimum required notice to the current residents to allow them to relocate.

Erik Enyart stated that the Comprehensive Plan and the surrounding Zoning and land use patterns supported the rezoning and intensive development of the subject property.

Lance Whisman in at 6:27 PM. Mr. Whisman noted that he had also been stranded on the Memorial Dr. bridge.

Chair Thomas Holland recognized Applicant Malek Elkhoury of Khoury Engineering, Inc. Mr. Elkhoury stated that [he and his clients] had reviewed the Staff Report and agreed with the recommendations. Mr. Elkhoury stated that, as it pertained to the masonry recommendation, [he and his clients] were in agreement with an average of 40% [traditional masonry] with the balance being cementitious fiber masonry alternative resembling stucco. Mr. Elkhoury stated that [he and his clients] were in agreement with the [recommendations pertaining to] trails and sidewalks, and indicated that he would work with the City when there were specific development plans. Mr. Elkhoury stated that [he and his clients] were in agreement with the 25 : 35% minimum landscaped lot area, and the recommendations to buffer the adjacent residential development. Mr. Elkhoury stated that [he and his clients] agreed to no Building Permit issuance until both access points are installed, and were also in agreement with the 75' setback if the buildings would be three (3) stories or taller. Mr. Elkhoury stated that, if garages were installed, [he and his clients] would like the setback [for them] reduced to 20' because they would only be one (1) story and would include no living spaces. Mr. Elkhoury mentioned the TAC meeting and stated that the secondary access point was now proposed to connect to Sheridan Rd. to the west. Mr. Elkhoury stated that [he and his

clients] understood the recommendations for a Collector Street and were in agreement, and that the exact location would be determined at the Detailed Site Plan stage. Mr. Elkhoury stated that he was here to ask for approval, and that, if the Commissioners had any questions, they should not hesitate to ask.

Chair Thomas Holland clarified with Malek Elkhoury that [he and his clients] were in agreement with all of the Staff recommendations. Mr. Elkhoury stated that there was no site plan as he did not have one to share at this point. In reference to the masonry requirement within the pending “Chateau Villas” multifamily development, Mr. Elkhoury stated “We’ll match that.” Upon a request for clarification, Erik Enyart stated that the Chateau Villas development included an absolute baseline of 20% masonry on all buildings.

Chair Thomas Holland clarified with Erik Enyart that the Commissioners were looking at both the land use and zoning question and the details of the PUD. Mr. Holland expressed concern that the PUD did not include a site plan for the development. Mr. Enyart stated that this was not unprecedented, as PUD 76 at 121st St. S. and Memorial Dr. simply included large Development Areas with lists of land uses which would be permitted in each.

Larry Whiteley asked how long the current residents would be given to relocate, and Malek Elkhoury stated “Six (6) months at minimum.” Mr. Elkhoury stated “The owner has been in contact with other [manufactured home] parks for relocation.” Mr. Elkhoury stated that the law required a minimum of 30 days, but the owner would give a minimum of six (6) months. Mr. Elkhoury stated that, due to the time it takes, the development may take 12 months.

Discussion ensued from the audience.

Chair Thomas Holland admonished those in attendance who wished to speak to sign the Sign-In Sheet and speak from the podium.

Patrick Boulden stated that the issue before the Planning Commission was not whether the residents would have to move, but if the apartments would be the best use in the overall scheme plan for the City.

Chair Thomas Holland recognized Kelly Rogers of 7500 E. 151st St. S. Lot 37 from the Sign-In Sheet. Ms. Rogers expressed concern for the elderly and single residents that would be “kicked out” of their homes and did not have enough money to go somewhere else. Ms. Rogers stated that some residents have lived in the manufactured home park for 25 to 30 years. Ms. Rogers expressed concern for the state of the manufactured home park and asserted that the current owners had not done anything with it. Ms. Rogers stated that the residents lived in the manufactured home park because they couldn’t afford to live elsewhere.

Chair Thomas Holland recognized Carolyn Case of 7500 E. 151st St. S. Lot 63 from the Sign-In Sheet. Ms. Case stated that she could not physically move, and had been there for 14 years. Ms. Case stated that her home was paid for and she could not afford to move elsewhere. Ms. Case stated, “I ask and beg you, please do not approve the rezoning.”

Chair Thomas Holland recognized Ted Holt of 7500 E. 151st St. S. Lot 169 from the Sign-In Sheet. Mr. Holt stated that he was speaking on behalf of his mother and father-in-law. Mr. Holt stated that Patrick Boulden had said that [these applications would] go on to the City Council. Mr. Holt asked if that would be a Public Hearing as well, and Erik Enyart and Patrick Boulden responded affirmatively. Chair Thomas Holland stated that the Planning Commission would give a recommendation and the City Council would be the one to [consider approving] [the applications]. Mr. Holt stated, “You don’t just hook up [a manufactured home] with a truck and haul it off.” Mr. Holt rhetorically asked, would it be “progress to put 150 people out of their homes?” Mr. Holt asked, “Does anyone know the cost to move a mobile home?” Mr. Holt asked what would be the “timeframe to move.” Patrick Boulden stated that it was not within the City’s purview to delay a rezoning for that purpose, and that the Planning Commission and City Council could only decide when the rezoning would occur.

Chair Thomas Holland recognized Darrin Wells of 7500 E. 151st St. S. Lot 47 from the Sign-In Sheet. Mr. Wells claimed that the park was originally built in 1966 and was “approved by the City Council,” and claimed that, in the 1980s, it was “approved by the City Council to be expanded.” Mr. Wells asked if there were any contracts that were not fulfilled.

Chair Thomas Holland recognized Stacia Duncan, who signed the Sign-In Sheet on behalf of Shirley Boerner of 7500 E. 151st St. S. Lot 151. Ms. Duncan stated that Ms. Boerner’s [manufactured home] was “bought and paid for but” [Ms. Boerner] had no title because the company [she had bought it from] went out of business. Ms. Duncan mentioned the possibility that [Ms. Boerner’s manufactured home and/or other manufactured homes] might be relocated to the Riverbend Manufactured Home Community. Ms. Duncan asked if residents would have a choice as to where they would be relocated, and if moving expenses would be covered.

Malek Elkhoury stated that all of these questions were legitimate. Mr. Elkhoury stated that, based on his 30 years of experience, he would advise the residents that their concerns should be addressed to the owner, who should be able to be contacted where their [rent payment] checks were paid to.

Someone in the audience suggested that the residents “get the rezoning denied, then [the residents] would not have to move.”

Chair Thomas Holland stated that it was not in [Malek Elkhoury’s] authority to obligate the owner, and so, regarding moving expenses, the residents should have a meeting, elect a [spokesperson], and put their concerns in writing.

Larry Whiteley stated that Malek Elkhoury was hired to represent the owner. Mr. Whiteley stated that he had owned a [manufactured home] park, and knew that it took a lot to move [a manufactured home]. Mr. Whiteley admonished the residents to get together and voice their concerns with the owner.

Chair Thomas Holland recognized Samantha Parker of 7500 E. 151st St. S. Lot 28 from the Sign-In Sheet. Ms. Parker stated that she had moved in [to the Shadow Valley Manufactured Home Community] six (6) months ago. Ms. Parker stated that she had previously moved from Midtown Tulsa to the *Marquis* [on Memorial apartments] in Bixby for the better schools for her kids. Ms.

Parker stated that the move had been good to her and her kids. Ms. Parker stated that putting another apartment complex in the beautiful trees would not be a good thing. Ms. Parker stated that her kids enjoyed living in [the Shadow Valley Manufactured Home Community] and that everything was so much better than the apartments. Ms. Parker stated that this [meeting] was a bridge to allow the residents to get together and “make it better.”

Chair Thomas Holland recognized Dominic Rodriguez of 7500 E. 151st St. S. Lot 28 from the Sign-In Sheet. Mr. Rodriguez expressed objection to the focus of the discussion on zoning and trails. Mr. Rodriguez expressed concern [that the rezoning would allow the developers to] “take out the beautiful, lush trees.” Mr. Rodriguez expressed desire for the existing manufactured home park to remain and be improved, and to “let the kids grow up and go to college.” Mr. Rodriguez expressed desire that [the redevelopment prospect] be “shut down right here.” Mr. Rodriguez expressed desire that the potholes be fixed. Mr. Rodriguez addressed Malek Elkhoury and told him to “get the owner here or” there would be an “uproar.”

Larry Whiteley out at this time.

Chair Thomas Holland recognized Barbara Hernandez of 7500 E. 151st St. S. Lot 64 from the Sign-In Sheet. Ms. Hernandez stated, “I’ll pass.”

Chair Thomas Holland recognized Robert Clark of 7500 E. 151st St. S. Lot 11 from the Sign-In Sheet. Mr. Clark asked the Commissioners not to rezone the property, but if it did, to “ask the owner to pay what it takes to get everyone moved.”

Chair Thomas Holland recognized Pam Woods of 7500 E. 151st St. S. Lot 77 from the Sign-In Sheet. Ms. Woods stated that she paid the rent to the office, but “[the manager,] she doesn’t want to say or doesn’t know” [about relocation plans]. Ms. Woods stated, “I ask you to vote to not rezone it.”

Chair Thomas Holland recognized Ricardo L. of 7500 E. 151st St. S. from the Sign-In Sheet. Ricardo L. clarified with Chair Thomas Holland that the application proposed apartments and not single-family houses. Ricardo L. asked if the owner would pay to move the [manufactured homes] and if the rents in the new apartments would be low enough to allow the current residents to live there, but Chair Thomas Holland responded that he did not know in either case.

Chair Thomas Holland recognized Joe Conley of 7500 E. 151st St. S. Lot 31 from the Sign-In Sheet.

Discussion ensued.

Larry Whiteley in at 7:09 PM.

Jerod Hicks out at 7:09 PM.

Chair Thomas Holland recognized Gary Martin, Community Manager for the Riverbend Manufactured Home Community at 7819 E. 133rd St. S. from the Sign-In Sheet. Mr. Martin declined to speak at this time.

Chair Thomas Holland recognized Andy Brungardt of 7500 E. 151st St. S. Lot 10 from the Sign-In Sheet. Mr. Brungardt stated that most manufactured home parks will not allow manufactured homes over 10 years old to be moved in. Mr. Brungardt stated that the apartments at 121st St. S., senior living, were being constructed on unoccupied land, but this was occupied land, and “You’re taking our peoples’ homes.” Mr. Brungardt asked if it would help the residents’ cause to circulate a petition, and how many names it would need. Chair Thomas Holland stated that there was no “magic number,” but that such a petition would be “taken into consideration.”

Jerod Hicks in at this time.

Chair Thomas Holland recognized James Turney of 516 W. Tucson St. from the Sign-In Sheet. Mr. Turney stated that he lived behind the *QuikTrip*. Mr. Turney stated that the Commissioners had seen the problem with getting across the [Memorial Dr.] bridge [during traffic issues]. Mr. Turney expressed concern for putting a dense [multifamily residential development] on the subject property “till we get something else...I don’t want to see a whole lot more development on this side [of the Arkansas River].” Mr. Turney stated that the schools were dense and full. Mr. Turney stated that there should be another bridge and more school [capacity] before allowing more development on this side of the River. Mr. Turney stated that the schools were running out of space, and that he had two (2) kids in school. Mr. Turney stated “I’m against it; don’t want to see it.”

Chair Thomas Holland stated that it would be beneficial for the owners or their representatives to meet with the occupants of the manufactured home park. Mr. Holland suggested postponing the vote on these applications for a month.

Buddy Clay stated that his mom lived at Lot 86 and had lived in the mobile home park since 1981.

Patrick Boulden asked how [the potential property sale] might be affected by the delay. Malek Elkhoury stated, “If it’s the wish of the Commissioners, okay.”

Steve Sutton advised the residents to organize and meet with the owners of the property and discuss options for flexibility, concessions, etc. Mr. Sutton reiterated his admonishment to get organized. Mr. Sutton stated that he could see they were all passionate about their homes.

There being no further discussion, upon clarification of the Motion with Erik Enyart and Lance Whisman, Steve Sutton made a MOTION to CONTINUE the Public Hearing and consideration of both BZ-381 and PUD 87 to the May 18, 2015 Regular Meeting, so that the owner could meet with the residents.

Malek Elkhoury stated that he would not be available on May 18, 2015, and suggested the Commissioners could have the owners or owners’ representatives attend. Mr. Elkhoury and the Commissioners discussed the possibility of a Special Meeting, but this was not agreed upon.

Carrie Manley stated that she lived at 161st St. S. and Yale Ave. but that her mother lived in Shadow Valley. Ms. Manley expressed concern about her inability to get disclosure of the owners’ identity and stated that she had hired an attorney for this purpose.

Steve Sutton stated that it was his intent to have Malek Elkhoury meet with the owner and express the need for a meeting with the residents. Mr. Elkhoury indicated agreement and stated that there would be flyers distributed containing the name and phone number of the owner.

Chair Thomas Holland asked if the matter should be Continued to the May or June meeting. Patrick Boulden stated that it could be Continued to the May 18, 2015 meeting, subject to being moved to the June 15, 2015 meeting if the owners failed to meet with the residents to discuss relocation matters.

Chair Thomas Holland recognized the Motion pending a Second.

Steve Sutton accepted the City Attorney's recommendation as his Amended Motion as follows:

MOTION to CONTINUE the Public Hearing and consideration of both BZ-381 and PUD 87 to the May 18, 2015 Regular Meeting, subject to being Continued again to the June 15, 2015 Regular Meeting if the owners fail to meet with the residents to discuss relocation matters.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, Sutton, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

As suggested by Steve Sutton, at 7:26 PM, the Commission observed a momentary pause to allow the residents of the Shadow Valley Manufactured Home Community to exit.

6. **PUD 49-A – Bixby Crossing – Ted Sack of Sack & Associates, Inc. for J & S Acquisitions, LLC.** Public Hearing, Discussion, and consideration of a rezoning request for approval of Major Amendment # 1 to Planned Unit Development (PUD) # 49 for approximately 12.6 acres consisting of Lots 1 and 3, Block 1, *Bixby Crossing*, with underlying zoning CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, which amendment proposes to allow additional Use Unit 16 ministorage use and make certain other amendments.
Property Located: 13455 S. Memorial Dr. & the 13500-block of S. Memorial Dr.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To:	<i>Bixby Planning Commission</i>
From:	<i>Erik Enyart, AICP, City Planner</i>
Date:	<i>Thursday, April 09, 2015</i>
RE:	<i>Report and Recommendations for: PUD 49-A – “Bixby Crossing” – Major Amendment # 1 – Ted Sack of Sack & Associates, Inc. for J & S Acquisitions, LLC</i>

LOCATION: – 13455 S. Memorial Dr. and the 13500-block of S. Memorial Dr.

– Lots 1 and 3, Block 1, Bixby Crossing

SIZE: Approximately 12.6 acres, more or less, in two (2) lots

EXISTING ZONING: CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, & PUD 49

SUPPLEMENTAL ZONING: PUD 49 “Bixby Crossing” and Corridor Appearance District (partial)

EXISTING USE: The Self Storage Depot ministorage business and a vacant commercial lot

REQUEST: Approval of Major Amendment # 1 to Planned Unit Development (PUD) # 49 (“Bixby Crossing”), to be known and designated on the official Zoning Map as “PUD 49-A” with underlying zoning CS Commercial, OM Office, RM-2 Residential Multi-Family, RD Residential Duplex, which amendment proposes to allow additional Use Unit 16 ministorage use and make certain other amendments

SURROUNDING ZONING AND LAND USE:

North: CG, RM-3, & RS-1; Unplatted vacant/wooded land zoned CG and (across 134th St. S.) vacant land zoned CG and RM-3, the Autumn Park assisted living facility zoned RM-3, the RiverCrest Event Center and the Bixby Funeral Service zoned CG and RM-3, and the Riverview Missionary Baptist Church on unplatted property zoned CG and in part of Gardenview Addition zoned RS-1.

South: (Across 136th St. S.) IL, CS, OM, RM-2/PUD 10, & AG; Agricultural and vacant/wooded land in Knight Industrial Park zoned IL and agricultural and vacant/wooded land and the Advance Sod Sales aka Tulsa Grass & Sod Farms, Inc. business zoned CS, OM, RM-2/PUD 10, and AG. To the southeast on the north side of 136th St. S. is the Southbridge neighborhood park with splash pad and playground zoned IL in Knight Industrial Park.

East: RS-3 & RM-2/PUD 10; Single-family residential in Blue Ridge Estates and Blue Ridge II zoned RS-3 and single-family residential to the southeast in Southbridge zoned RM-2/PUD 10.

West: (Across Memorial Dr.) CG & CS/PUD 13a; V vacant/wooded land zoned CS/PUD 13a and office-type businesses to the northwest including Apollo’s Martial Arts, the Daily Family YMCA of Bixby, the Family Eye Care, and the Baker Small Animal Clinic all zoned CG.

COMPREHENSIVE PLAN: Medium Intensity + Corridor + Commercial Area

PREVIOUS/RELATED CASES: (Not researched)

RELEVANT AREA CASE HISTORY: (Not researched)

BACKGROUND INFORMATION:

Pursuant to a discussion with the City Council at a Worksession meeting held May 27, 2014, City Staff prepared an amendment to the Comprehensive Plan and an amendment to the Zoning Code (1) to establish policy preferring (A) retail land uses and (B) PUDs within Bixby’s commercial corridors, and (2) to require PUDs when granting commercial rezoning entitlements in same. On July 14, 2014, perhaps without precedent, the Planning Commission held a Special Meeting concurrent with the City Council’s Regular Meeting to consider certain changes to the Bixby Comprehensive Plan (BCPA-11) and Zoning Code, all in an effort to encourage retail commercial uses within the City of Bixby. The Planning Commission recommended, and the City Council subsequently approved (Ords. # 2136 and 2137) all changes. BCPA-11 provided specific policy language preferring retail commercial uses and PUDs within commercial corridors, which in turn supported an amendment to Zoning Code Section 11-5-2 requiring PUDs in these corridors when rezoning to commercial.

Ordinance # 2136, approved July 14, 2014, amended the Bixby Comprehensive Plan per BCPA-11. Per that amendment, “Commercial Area Policies” item # 3 on page 36 now provides:

“ Due to the critical need for retail development to support capital improvements and municipal services, within areas designated “Corridor” and “Commercial Area” or “Vacant, Agricultural, Rural Residences, and Open Land” on the Land Use Map, it is City policy to (1) prefer retail development over all other land use types where appropriate in context and (2) prefer that a Planned Unit Development (PUD) application be processed along with any application for rezoning to commercial.”

ANALYSIS:

This PUD 49-A proposes to allow for Use Unit 16 ministorage development of vacant commercial Lot 3, Block 1, Bixby Crossing, which the Bixby Comprehensive Plan designates as Corridor + Commercial Area. The lot in question is at the northeast corner of the intersection of 136th St. S., a mid-mile Collector

Street connecting to Mingo Rd., and Memorial Dr. ODOT is currently scheduled, within the next couple years, to widen Memorial Dr. north of this intersection in order to install a turning lane into 136th St. S. Based on its location and the physical facts of the area, Staff believes the retail use preference was intended for properties such as Lot 3, Block 1, Bixby Crossing.

As Staff has expressed to the Applicant and owner's attorney Roy Johnsen in several meetings, phone conversations, and emails, the proposal to convert the vacant commercial lot into Use Unit 16 ministorage is in direct conflict with the Bixby Comprehensive Plan policy preferring retail use over all other land use types.

Staff recommends this application be Denied due to the proposed land use's conflict with the Comprehensive Plan.

Chair Thomas Holland recognized Roy Johnsen, who stated he was an attorney representing the owners of the property. Mr. Johnsen recognized others in attendance representing the application, engineer Ted Sack [of Sack & Associates, Inc.] and one of the owners. Mr. Johnsen stated that the circumstances may be relevant in this application. Mr. Johnsen stated that, when the 14-acre PUD was first written, it had a provision in the general standards allowing 100,000 square feet of ministorage. Mr. Johnsen stated that the ministorage was then built, and was “done quite nicely—well done.” Mr. Johnsen stated that this was approved in 2006, and of the 100,000 square feet, his client had built 90[,000]. Mr. Johnsen stated that his client had 10,000 square feet, and would like to do 15,000 in addition to this. Mr. Johnsen stated that this lot “could have been retail for nine (9) years,” but the owners determined there was “no market for it,” but that there was demand for [ministorage]. Mr. Johnsen reiterated that his clients had owned the lot for nine (9) years. Mr. Johnsen stated that the Commissioners should consider the “reasonableness of private property rights.” Mr. Johnsen stated that it would “not help anybody if it just sits there.” Mr. Johnsen stated that the “Planning Commission should consider what’s reasonable.” Mr. Johnsen stated that he understood where [the City] was coming from, and that it wanted more retail.

Jerod Hicks confirmed with Roy Johnsen that [he and his client] were requesting 25[,000] square feet. Mr. Hicks asked if the property had been for sale since 2006, and Mr. Johnsen stated that it had had a broker for nine (9) years.

Erik Enyart stated that, if the Applicant was verbally amending the application to request only 15,000 square feet additional [ministorage floor area], that would need to be amended in [the PUD Amendment document text]. Discussion ensued regarding the amount of additional square footage proposed and that amount listed in the PUD Amendment document text. Mr. Enyart stated that the PUD Amendment document text proposed 120,000 square feet, which was 30,000 more than what was in place at that time, but the Applicant had stated that they were only asking for 25,000 total. Mr. Enyart reiterated that the PUD Amendment document text would need to be changed to reflect the reduction in what was now actually proposed.

Roy Johnsen stated that the new ministorage would be designed like the existing part.

Discussion ensued between Roy Johnsen, the Commissioners, Erik Enyart, and Patrick Boulden regarding the design of the new ministorage buildings with the current Building Code, and all agreed this would be required.

Erik Enyart stated that the City of Bixby now recognized ministorage as Use Unit 16, so any new ministorage buildings would have to be built to the new standards, including the screening fence

and masonry requirements. Roy Johnsen indicated disagreement and stated that the PUD preceded the new standards and would fall under the old design standards, including the [metal bar fence]. Patrick Boulden also indicated disagreement and stated that the ministorage could be built to the standards in effect when the PUD was approved.

Larry Whiteley asked if the owner would object to designing to the new standards, and the owner stated "I have a partner[, so] I'm not sure."

Erik Enyart stated "We recognize this as Use Unit 16, and anything built today must be built to Use Unit 16 standards." Mr. Enyart stated that, if the Planning Commission were to approve this application, the PUD Amendment document text would need to be amended to exempt those designs elements that would not meet current standards.

Discussion ensued between the Commissioners, Patrick Boulden, the Applicant, and Erik Enyart regarding the applicability of the new ministorage standards to any new ministorage buildings on the subject property, and the masonry standard specific to ministorage buildings versus the masonry standard within the Corridor Appearance District. Mr. Enyart stated, "The same principle applies: If you build today, you build to today's Building Code; if you build Use Unit 16 today, you built to today's Use Unit 16 Code." Mr. Enyart stated that, if the Planning Commission favored this application, despite the fact that it would violate the Comprehensive Plan policy preferring retail use in the commercial corridors, the PUD Amendment document text would have to specifically exempt those designs elements that would not meet current standards, such as the screening and masonry requirements. Mr. Enyart stated that he had not reviewed the PUD Amendment in an effort to make it better, because of the policy for retail use.

Roy Johnsen stated that the new ministorage area would have a nice [fence], not a normal screening [fence], and that the "buildings are nice."

A Planning Commissioner expressed favor for the new standards, especially due to the location's distance to the [Memorial Dr.] thoroughfare.

There being no further discussion, Larry Whiteley made a MOTION to Recommend DENIAL of PUD 49 Major Amendment # 1 per the Comprehensive Plan, as this was part of the Corridor which needed retail businesses to bring in tax dollars. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, Sutton, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

Roy Johnsen confirmed with Erik Enyart that the 10,000 square feet of ministorage remaining in the PUD would still allow the construction of 10,000 square feet of ministorage. Mr. Johnsen indicated to Mr. Enyart that he would appeal the recommendation to the City Council, if an actual appeal was required to get on the City Council agenda.

PLATS

7. **Preliminary Plat & Final Plat – “Bixby Memory Care” – Cedar Creek Consulting (PUD 45).** Discussion and consideration of a Preliminary Plat, a Final Plat, and certain Modifications/Waivers for “Bixby Memory Care,” approximately 8.6512 acres in part of the NE/4 of the NE/4 of Section 25, T18N, R13E.
Property Located: Southwest corner of 101st St. S. and Mingo Rd.
-

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

To: Bixby Planning Commission
From: Erik Enyart, AICP, City Planner
Date: Friday, April 10, 2015
RE: Report and Recommendations for:
Preliminary Plat & Final Plat of “Bixby Memory Care” (PUD 45)

LOCATION: – Part of the NE/4 of the NE/4 of Section 25, T18N, R13E
– Southwest corner of the intersection of 101st St. S. and Mingo Rd.
SIZE: 8.6512 acres, more or less
EXISTING ZONING: OL Office Low Intensity District and CS Commercial Shopping Center District and PUD 45
SUPPLEMENTAL ZONING: PUD 45 Spicewood Neighborhood Center
EXISTING USE: Vacant/Agricultural
REQUEST: – Preliminary Plat approval
– Final Plat approval
– A Partial Modification/Waiver from the standard 17.5’ Perimeter Utility Easement per Subdivision Regulations/City Code Section 12-3-3.A

SURROUNDING ZONING AND LAND USE:

North: CS/PUD 45 and (across 101st St. S.) CS, RM-0, & CS/PUD 364; The Firstar Bank in Lot 1, Block 1, First National, and across 101st St. S., a former Kum & Go gas station and the “Cedar Ridge Village” shopping center in Cedar Ridge Village to the north, single-family residential in Cedar Ridge Village to the northwest, and new Kum & Go gas station and the Plaza del Sol shopping center in PUD 364 across Mingo Rd. to the northeast, all in the City of Tulsa.

South: RT/PUD 35 & RT/PUD 36; Townhouse-style single-family homes in Spicewood Park and detached single-family residential homes and lots in Spicewood Villas.

East: CS/PUD 45 and (across Mingo Rd.) R-2; The Firstar Bank in Lot 1, Block 1, First National, and across Mingo Rd., single family residential The Greens at Cedar Ridge in the City of Broken Arrow.

West: AG & RD/PUD 30; Upstream reaches of the Oliphant drainage and detention system, itself a part of the Fry Creek Ditch # 1, surrounding the townhouse-style single-family homes in Spicewood Park.

COMPREHENSIVE PLAN: Low/Medium Intensity + Vacant, Agricultural, Rural Residences, and Open Land

PREVIOUS/RELATED CASES:

BZ-165 – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to rezone approximately 383 acres from AG to RS-3, RD, RM-2, & CS for a residential and commercial development for parts of the NW/4, NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval of an amended request (including RS-2 instead of RS-3) 05/28/1985 and the City Council Approved the amended request 06/11/1985 (Ord. # 530).

PUD 11 – Edgewood Farm – Pittman-Poe & Associates, Inc. for Allen G. Oliphant – Request to approve PUD 11 for approximately 383 acres for a residential and commercial for parts of the NW/4,

NE/4, and SE/4 of this Section – Included subject property – PC recommended Approval 05/28/1985 and the City Council Approved 06/11/1985 (Ord. # 531).

BZ-202 – W. Douglas Jones for Tercero Corporation – Request to rezone 382 acres, more or less, from RS-3, RD, RM-2, & CS to AG (includes subject property) – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 673).

PUD 11 Abandonment – W. Douglas Jones for Tercero Corporation – Request to abandon PUD 11 – PC recommended Approval 10/19/1992 and City Council Approved 10/26/1992 (Ord. # 674).

BZ-282 – Tanner Consulting, LLC – Request to rezone 10 acres, more or less, from AG to CS & OL for commercial and office use, including subject property – PC recommended Approval 01/22/2002 and City Council Approved 02/11/2002 (Ord. # 847).

PUD 45 – Spicewood Neighborhood Center – Tanner Consulting, LLC – Request to approve a PUD for 10 acres, more or less, including subject property – PC recommended Approval 09/22/2005 and City Council Approved 10/10/2005 (Ord. # 920).

BL-379 – Tanner Consulting, LLC – Request for Lot-Split approval for to separate the land being platted as First National from the balance of the original 10-acre tract, being the subject property – PC Approved 06/20/2011.

BACKGROUND INFORMATION:

ANALYSIS:

Subject Property Conditions. The subject property is vacant and zoned OL and CS with PUD 45. The land appears to slope gently to the south and west and drains to a stormwater detention facility on City of Bixby-owned property immediately west of Spicewood Pond. This is part of the Oliphant drainage and detention system located between 101st St. S. and 111th St. S., which is itself an upstream part of Fry Creek Ditch # 1.

Comprehensive Plan. The Comprehensive Plan designates the subject property as (1) Low/Medium Intensity and (2) Vacant, Agricultural, Rural Residences, and Open Land.

The memory care assisted living facility and commercial development anticipated by this plat would not be inconsistent with the Comprehensive Plan.

General. This subdivision of 8.6512 acres, more or less, proposes three (3) lots, one (1) block, and no (0) reserve areas.

Subdivision Regulations Section 12-3-3.A requires a 17.5' Perimeter U/E. The plat proposes the required width, except for the line shared with the westerly line of First National and along the south line of proposed Lot 3, Block 1, which propose 11' U/Es. This will require a Modification/Waiver of Section 12-3-3.A, and must be requested by the Applicant. Staff does not object to this Modification/Waiver adjacent to First National, recognizing the existing and planned locations of utility lines primarily along 101st St. S. and Mingo Rd., that the TAC did not express objection, and recognizing the Applicant's proposed 11' U/Es correspond with existing 11' U/Es along both areas of concern. However, the south side of the property contains City utilities (sanitary sewer and storm water), and City Staff recommends that the preexisting 11' U/E be supplemented with 6.5' to achieve the 17.5' minimum width required by the Subdivision Regulations and as needed for the maintenance of City utilities and any others which may locate in this utility corridor.

With the exceptions outlined in this report, the Preliminary Plat and Final Plat appear to conform to the Zoning Code and Subdivision Regulations.

The Technical Advisory Committee (TAC) reviewed this Preliminary Plat on April 01, 2015. The Minutes of the meeting are attached to this report.

The Fire Marshal's, City Engineer's, and City Attorney's memos are attached to this Staff Report (if received). Their comments are incorporated herein by reference and should be made conditions of approval where not satisfied at the time of approval.

Access and Internal Circulation. The subject property has approximately 549.64' of frontage on 101st St. S. and 341.46' of frontage on Mingo Rd.

The plat does not currently propose Limits of No Access (LNA) or access openings corresponding to existing and proposed curb cut locations. Staff recommends that these be added, and all proposed curb cut locations should be subject to County Engineer, City Engineer, and Fire Marshal concurrence.

Per the superimposed site plan elements shown on the Preliminary Plat, part of the driveway connection to Mingo Rd., via the existing Mutual Access Easement (MAE) straddling the south line of First National, will fall on proposed Lot 2, and would not be covered by any MAE. This will need to be addressed appropriately.

At the TAC Meeting held April 01, 2015, the Fire Marshal had certain recommendations pertaining to the design of the Mingo Rd. access drive and that there not be a gate on such drive. These details will be covered during the review of the site plan for the memory care assisted living facility. To the extent covered in the Fire Marshal's review correspondence and concerned by the plat, the Fire Marshals' recommendations will be covered under the related Condition of Approval recommended herein.

Staff Recommendation. *Staff recommends Approval of the Preliminary Plat and Final Plat with the following corrections, modifications, and Conditions of Approval:*

- 1. Subject to City Council approval of a Partial Modification/Waiver of the 17.5' Perimeter U/E standard per Subdivision Regulations Section 12-3-3.A, as described more fully in the analysis above, for that part adjacent to First National.*
- 2. The south side of the property contains City utilities (sanitary sewer and storm water), and City Staff recommends that the preexisting 11' U/E be supplemented with 6.5' to achieve the 17.5' minimum width required by the Subdivision Regulations and as needed for the maintenance of City utilities and any others which may locate in this utility corridor.*
- 3. All Modification/Waiver requests must be submitted in writing.*
- 4. Subject to compliance with all Fire Marshal, City Attorney, and City Engineer recommendations and requirements.*
- 5. Please add Limits of No Access (LNA) and access openings corresponding to existing and proposed curb cut locations. LNA language appears to be adequately provided in the DoD/RCs.*
- 6. Subject to County Engineer approval of proposed curb cut locations on 101st St. S. and Mingo Rd.*
- 7. Per the superimposed site plan elements shown on the Preliminary Plat, part of the driveway connection to Mingo Rd., via the existing Mutual Access Easement (MAE) straddling the south line of First National, will fall on proposed Lot 2, and would not be covered by any MAE. If this design is still planned, this matter will need to be addressed appropriately, with necessary dedication, use, and maintenance language provided in the DoD/RCs if dedicated via this plat.*
- 8. Title Block area – please add PUD 45 where appropriate.*
- 9. Per SRs Section 12-4-2.A.5, a Location Map (Vicinity Map) is required and must include all platted additions within the Section; the following need to be corrected as follows:*
 - a. Block 2 Lots 8-13 The Enclave at Legacy (missing)*
 - b. Trinity Presbyterian Church USA (misspelled)*
 - c. Scale at 1" = 2,000'.*
- 10. Preliminary Plat & Final Plat: Underlying Zoning district boundary lines not represented as required per SRs Section 12-4-2.B.3.*
- 11. Preliminary Plat: Elevation contours at one (1) foot maximum intervals not represented as required per SRs Section 12-4-2.B.6.*
- 12. Based on existing addresses and street names, measured dimensions, and/or Tulsa regional E-911 block numbering conventions, please adjust addresses such as follows:*
 - Lot 3, Block 1: 9400 → 9494 E. 101st St. S. (RE: drive appears to be aligned with 94th E. Ave. to north in Tulsa; facility will be westerly of north-south drive)*
 - Lot 1, Block 1: 9600 → 9550 E. 101st St. S. (RE: Need for spacing between lots/addresses to west and east and representation of 9500-block)*
 - Lot 2, Block 1: 10200 → 10174 S. Mingo Rd. (RE: S. line of plat corresponds to 10200-block; recommended building number corresponds to precise measurement to the center of Mingo Rd. frontage)*
- 13. The Preliminary Plat appears to include a superimposed image of the site plan for the assisted living facility and other site area elements, which is not appropriate for a Preliminary Plat. Please resolve.*
- 14. The Preliminary Plat does not include critical surveying information as represented on the Final Plat. Please reconcile.*
- 15. The southerly stub-in 15'-wide U/E within proposed Lot 3 has a 97.85' call which is ambiguous. Please clarify if it corresponds to the U/Es centerline or that part projecting south of the 17.5'-wide U/E along the south line of proposed Lot 1.*
- 16. Face of Plat and DoD/RCs: The perimeter requirements for PUD 45 would fall on separate lots. Further, the two (2) lots now proposed may be divided further or differently as time passes. Please consider adding easements corresponding to the measurable perimeter buffering*

- standards (e.g. masonry fence easement, landscape easements, etc.). Language providing for the dedication, use, and share of maintenance responsibilities for same would be necessary. Otherwise, please propose a plan to address this issue.
17. If an easement is added corresponding to the 25'-wide strip along Development Area C for mature tree protection, consider relocating the 17.5'-wide U/E east of and parallel to such 25'-wide easement.
 18. Face of Plat and DoD/RCs: Includes term "Addition" in Title Blocks, "Subdivision" in the development statistics summary, as both "Subdivision" and "Addition" in the DoD/RCs Preamble, and as "Addition" in the Certificate of Survey signature block. Please reconcile all instances.
 19. DoD/RCs Preamble: Please replace "Broken Arrow" with "Bixby."
 20. DoD/RCs Preamble: Per the Tulsa County Assessor's parcel records and the DoD/RCs preamble, there are now two (2) tracts being platted, which belong to two (2) different owners (Tulsa Senior Realty, LLC and AGO Trust). The legal description of the land being platted does not differentiate between what part of the underlying land is owned by which property owner. For clear title and tax purposes, Staff believes that each dedicating owner should have their respective legal description specified in the DoD/RCs. Reference how this was done with the plats of 101 South Memorial Plaza and Bixby Centennial Plaza II.
 21. DoD/RCs Preamble: Missing critical wording such as "and have caused the above described tract of land to be surveyed, staked, platted, granted, donated, conveyed, and dedicated, access rights reserved, and subdivided ..." as per customary platting conventions and the City Attorney's recommendations regarding fee simple ownership of rights-of-ways. The first four (4) underlined terms may be omitted in this instance, if no right-of-way would be dedicated by this plat, but the access rights reservation would need to be included at a minimum.
 22. DoD/RCs: Consider whether other private restrictions are desired. For commercial/nonresidential developments, private restrictions in Bixby customarily include:
 - a. A "Maintenance Covenant" pertaining to maintenance and upkeep of properties free of trash, debris, and litter. Examples may be provided upon request.
 - b. A "Mutual Parking Privileges" covenant, so that all lots may allow their excess spaces to be used by patrons of other lots, which is common in developments such as this, especially when developed as a unit by a singular developer. Examples may be provided upon request.
 - c. Covenants pertaining to the dedication, use, and share of maintenance responsibility for any common elements (cf. PUD perimeter buffering standards and missing MAE per other recommendations herein).
 23. DoD/RCs Section I.A.1: Please correct possible typo and qualify this section as follows: "...construct and maintain within the Utility Easements: properly-permitted parking areas, landscaping, ..."
 24. DoD/RCs Section I.B.2: Please correct possible typo: "...apertures~~g~~..."
 25. DoD/RCs Section I.C.1: Please restrict
 26. DoD/RCs Section I.E.1: Please qualify this section as follows: "...repair of damage to properly-permitted landscaping and paving occasioned ..."
 27. DoD/RCs Section II: Missing Development Standards for DA A (proposed Lot 1 contains all of DA B but also the westerly 10' of DA A; cf. plat of First National). Note that DA A has no additional floor area to contribute to proposed Lot 1, as it was fully allocated to Lot 1, Block 1, First National by the plat of same. Please ensure to use amended text allowing 25' ground sign height within DA A as per PUD 45 Minor Amendment # 1.
 28. DoD/RCs Section II DA A: Please correct typo "Lot" 1.
 29. DoD/RCs Section II DA A: Please correct typo "home."
 30. DoD/RCs Section II DA A: Please add double asterisk (**) to the double asterisk text following double asterisk, or remove double asterisk.
 31. DoD/RCs Section II DA A: Please correct typo "square" in text following double asterisk.
 32. DoD/RCs Section II DA A: Please correct "Minimum" → "Maximum" building height.
 33. DoD/RCs Section II DA A: Please correct term "Outdoor" → "Outside."
 34. DoD/RCs Section II DA B: Please correct typo "home."
 35. DoD/RCs Section II DA B: Double asterisk (**) used in place of PUD's triple asterisk (***).

36. *DoD/RCs Section II DA B: Please add triple asterisk (***) to the triple asterisk text following triple asterisk, or remove triple asterisk.*
37. *DoD/RCs Section II DA B: Please correct typo "square" in text following triple asterisk.*
38. *DoD/RCs Section II DA B: Please correct "Minimum" → "Maximum" building height.*
39. *DoD/RCs Section II DA B: Please correct typo inherited from PUD "shall not to exceed" → "not to exceed."*
40. *DoD/RCs Section II DA B: Please correct term "Outdoor" → "Outside."*
41. *DoD/RCs Section III.B.1: This "Duration" section of DoD/RCs customarily provides language allowing for the automatic renewal of the DoD/RCs for successive periods unless voided by an adequate majority of the then owners. Please incorporate or advise.*
42. *Please provide release letters from all utility companies serving the subdivision as per SRs Section 12-2-6.B.*
43. *Final Plat: Elevation contours, floodplain boundaries, physical features, underlying Zoning district boundaries, minimum improvements acknowledgement, and other such mapping details as required per SRs Section 12-4-2.B.6, by approval of this Final Plat, shall not be required on the recording version of the Final Plat, as such would be inconsistent with Final Plat appearance conventions and historically and commonly accepted platting practices.*
44. *Copies of the Preliminary Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*
45. *Copies of the Final Plat, including all recommended corrections, modifications, and Conditions of Approval, shall be submitted for placement in the permanent file (1 full size, 1 11" X 17", and 1 electronic copy).*

Chair Thomas Holland recognized Applicant Jason Mohler of Cedar Creek Consulting, Inc., 13422 S. 19th St., Jenks. Mr. Mohler stated that he represented the owners of all of the land included within the plat. Mr. Mohler stated that these were relatively simple plats, and that he was in agreement with the Staff's comments. Mr. Mohler stated that the Staff Report suggested the need for a Partial Modification/Waiver, because the plat was originally drawn up with some 11'-wide Utility Easements (UEs), but that [he and his client] were okay with 17.5' U/Es. Mr. Mohler stated that recommendations # 16 and 17 related to the landscape buffer on the west side of Lot 3/the plat. Mr. Mohler read the relevant parts of the concerned PUD 45 text:

"Along the west boundary of Development Area 'C' mature trees within the 25 feet of the drainage channel shall be protected. In the event that mature trees are disturbed as a result of utility installation, the developer shall screen the area disturbed with a combination of deciduous and non-deciduous trees a minimum of 2" caliper in size."

Jason Mohler stated that he had discussed with Erik Enyart earlier that day how the passage was to be interpreted; was it 25' from the centerline of the channel, the top of bank, or the propertyline, and that he and Mr. Enyart had agreed that it meant the propertyline, which was the west[erly] line of the plat and the right-of-way line of the City-owned creek. Mr. Mohler stated that the second matter was to determine how to protect the mature trees within the 25'. Mr. Mohler proposed a solution [on his and his client's behalf] to the issues raised by the recommendations: include the 17.5' U/E within the 25' area [but without an easement for the 25' area], which U/E had no utilities proposed within it today, and in which none were expected in the future. Mr. Mohler stated that the area was very dense, and it was difficult to determine how many mature trees were in there. Mr. Mohler proposed to clear and grub [underbrush within] the area and assess which trees could be saved. Mr. Mohler stated that there was a need to grade areas within 2' to 4' along the east side [of the 25'-wide area] to add small retaining walls, and so they would adjust the grade accordingly. Mr.

Mohler stated that [the City] already had X number of feet of [vegetation within the channel], and then there would be an additional 25' [with protected and replaced mature trees on the subject property]. Mr. Mohler read the parts of the concerned PUD 45 text pertaining to mature tree replacement, and stated that the landscape plan showed trees along that boundary. Mr. Mohler provided a copy of the draft landscape plan. Mr. Mohler stated that the PUD originally planned commercial/retail development here, but now that it was proposed for assisted living, [his clients] wanted it to be quiet and natural and to keep as many trees as they could.

Larry Whiteley asked who was responsible for the drainage areas. Erik Enyart stated that this was part of the Oliphant Drainage and Detention system, but that he did not know exactly how the City acquired ownership of the land or the arrangements [as to drainage rights or maintenance].

Jerod Hicks confirmed with Jason Mohler and Erik Enyart that [the assisted living facility] would have two (2) entrances and exits, one (1) on 101st St. S. and one (1) on Mingo Rd.

After some discussion, Lance Whisman made a MOTION to RECOMMEND APPROVAL of the Preliminary Plat and Final Plat as recommended by Staff.

A Commissioner asked Erik Enyart if Staff was in agreement with the approach to the 25' mature tree preservation area. Mr. Enyart indicated agreement and stated that the other part of his understanding with the Applicant was that mature trees be defined according to the most widely recognized manual by the Landscape Architecture profession.

Larry Whiteley SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, Sutton, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

OTHER BUSINESS

8. **PUD 40 – Regal Plaza – Minor Amendment # 3.** Discussion and possible action to approve Minor Amendment # 3 to PUD 40 for all of *Regal Plaza*, approximately 25 acres in part of the SW/4 NW/4 of Section 25, T18N, R13E, with underlying zoning CS Commercial, which amendment proposes amending development standards pertaining to the existing development entrance ground sign and its replacement, modifying PUD-imposed setbacks, modifying parking standards, and making certain other amendments.
Property Located: Intersection of E. Regal Pl. / E. 105th St. S. and Memorial Dr.

Chair Thomas Holland introduced the item and asked Erik Enyart for the Staff Report and recommendation. Mr. Enyart summarized the Staff Report as follows:

<i>To:</i>	<i>Bixby Planning Commission</i>
<i>From:</i>	<i>Erik Enyart, AICP, City Planner</i>
<i>Date:</i>	<i>Tuesday, April 07, 2015</i>

RE: Report and Recommendations for:
PUD 40 – “Regal Plaza” – Minor Amendment # 3

LOCATION: – Intersection of E. Regal Pl./E. 105th St. S. and Memorial Dr.
– All of Regal Plaza
SIZE: 25 acres, more or less
EXISTING ZONING: CS/PUD 40
SUPPLEMENTAL ZONING: PUD 40; there is Corridor Appearance District supplemental zoning along Memorial Dr.
EXISTING USE: Multiple use commercial center featuring the PostRock Plaza, the SpiritBank Event Center, the Hampton Inn & Suites Tulsa South-Bixby, and several outparcel/pad site commercial businesses fronting on Memorial Dr.
REQUEST: Approval of Minor Amendment # 3 to Planned Unit Development (PUD) # 40 (“Regal Plaza”), with underlying zoning CS Commercial Shopping Center District, which amendment proposes amending development standards pertaining to the existing development entrance ground sign and its replacement, modifying PUD-imposed setbacks, modifying parking standards, and making certain other amendments.

SURROUNDING ZONING AND LAND USE:

North: CS & CS/CG/PUD 63; The Starworld 20 movie theater, the The Palazzo shopping center, and other businesses and vacant commercial lots in 101 South Memorial Center and 101 South Memorial Plaza.

South: CS, CS/PUD 67, & RS-3; The Panda Express restaurant zoned CS & PUD 67 in Lot 1, Block 1, Panda Express, the Home Hardware / Builder’s Center / JWI Supply / CWC Interiors hardware, interiors, and supply store in the Grigsby’s Carpet Center subdivision zoned CS, and single-family residential in South Country Estates zoned RS-3.

East: RS-3/PUD 27; Single-family residential in The Village at Legacy.

West: (Across Memorial Dr.) CS/PUD 815, CS, AG, CS/PUD 370 and CS/PUD 619; The new Costco under construction to the northwest in PUD 815, the new Warren Clinic, the Avalon Park commercial/office development in PUD 370, the First Priority Bank zoned CS, and to the southwest are the Life Time Fitness and other businesses being developed in Memorial Commons and/or The Vineyard on Memorial, all in the City of Tulsa.

COMPREHENSIVE PLAN: Medium Intensity + Commercial Area + Corridor

PREVIOUS/RELATED CASES: (Not necessarily a complete list; minor signage and Architectural Committee approvals omitted)

BZ-92 – Allen G. Oliphant – Request for rezoning from AG to CS for an area platted as Wildwood Garden Center, since vacated in favor of Regal Plaza (subject property) – Recommended for Approval by PC 08/25/1980 and Approved by City Council 09/02/1980 (Ord. # 411).

Final Plat of Wildwood Garden Center – Request for Final Plat approval for part of what was latter platted as Regal Plaza (subject property) – Approved by PC 09/29/1980, subsequently approved by City Council, and recorded 11/07/1980 (since vacated in favor of Regal Plaza).

BZ-244 – Gertrude Oliphant et al. – Request for rezoning from AG to CS for part of what later was platted as Regal Plaza (subject property) (related to PUD 24) – City Council Approved 02/22/1999 (Ord. # 787).

PUD 24 – Oliphant Center – Request for PUD approval for part of what later was platted as Regal Plaza (subject property) (related to BZ-244) – City Council Approved 02/22/1999 (Ord. # 788).

PUD 40 – Regal Plaza – Request for PUD approval for all of what later was platted as Regal Plaza (subject property) – Recommended for Approval by PC 05/16/2005 and Approved by the City Council 06/13/2005 (ordinance approved but not executed; approved ordinance document signed, sealed, assigned Ord. # 981, and recorded 11/21/2007) (Replaced PUD 24).

PUD 40 Minor Amendment # 1 – Request for approval of a Minor Amendment to PUD 40 for what later was platted as Regal Plaza (subject property) – PC Approved 12/19/2005.

Preliminary Plat of Regal Plaza – Request for Preliminary Plat approval for Regal Plaza (subject property) – PC Approved 08/15/2005 (older version of the plat, apparently) and then a revised, final version was approved by PC 02/21/2006 and by the City Council 02/27/2006.

Final Plat of Regal Plaza – Request for Final Plat approval for Regal Plaza (subject property) – PC Approved 06/19/2006 and City Council Approved 07/10/2006 (Plat # 6019 recorded 07/18/2006).

PUD 40 Minor Amendment # 2 – Request for approval of a Minor Amendment to PUD 40 for what later was platted as Regal Plaza (subject property) – PC Approved 05/21/2007.

AC-06-08-01 – Hampton Inn & Suites – Request for Architectural Committee approval of [a Detailed Site Plan and Building Plans] for Hampton Inn & Suites Tulsa South-Bixby on Lot 10, Block 1, Regal Plaza – AC Approved 08/21/2006.

AC-06-10-02 – Popeye's Chicken – Request for Architectural Committee approval of [a Detailed Site Plan and Building Plans] for Popeye's on Lot 5, Block 1, Regal Plaza – AC Approved 10/16/2006.

AC-07-06-03 – Monument Signage for Regal Plaza – Request for Architectural Committee approval of a combined development entrance ground sign for Regal Plaza, to be located at the northeast corner of the intersection of E. Regal Pl./105th St. S. and Memorial Dr. within the Mutual Access Easement as platted with Regal Plaza – AC Approved 06/18/2007.

AC-07-07-01 – Tom Christopoulos – Request for Architectural Committee approval of a 26' high ground sign for Hampton Inn & Suites Tulsa South-Bixby on Lot 10, Block 1, Regal Plaza – Denied by Architectural Committee 07/16/2007 due to excessive height.

AC-07-08-03 – Tom Christopoulos – Request for Architectural Committee approval of a 10' high ground sign for Hampton Inn & Suites Tulsa South-Bixby on Lot 10, Block 1, Regal Plaza – Approved by Architectural Committee 08/20/2007.

BL-355 – Home Ventures, Inc. – Request for Lot-Split to create (1) an approximately 0.27-acre tract from Lot 4 to be attached to Lot 3 for the development of a Chick-fil-a restaurant – PC Approved 06/23/2008.

BBOA-479 – Ben Holliday – Request for Variance from the 150' minimum spacing standard of Zoning Code Section 11-9-21.C.9.a to allow the installation of (A) a 119.41 square foot, 30-foot tall freestanding ground sign, (B) a 21.83 square foot freestanding menu board, (C) a 8.33 square foot freestanding pre-sale menu board, and (D) a flag pole of undetermined square feet, in the CS Shopping Center District with PUD 40 for Chick-fil-a on Lot 3 and part of Lot 4, Block 1, Regal Plaza – BOA Approved 07/07/2008.

BSP 2008-03 / AC-08-07-02 – Chick-fil-a – Request for Planning Commission and Architectural Committee approval of a Detailed Site Plan for Lot 3 and part of Lot 4, Block 1, Regal Plaza for Chick-fil-a restaurant – PC and AC Conditionally Approved 07/21/2008.

BBOA-509 – Elias Thompson for Apple Eight Hospitality Ownership, Inc. – Request for Variance from the 20-foot-high height restriction for pole-mounted exterior lighting of the Zoning Code and PUD 40, to allow the existing 30-foot-high lights to remain for Hampton Inn & Suites Tulsa South-Bixby on Lot 10, Block 1, Regal Plaza – BOA Denied 08/03/2009.

BBOA-510 – Phyliss Guthrie of Acura Neon, Inc. for Home Ventures, Inc. – Request for Variance from Zoning Code Section 11-9-21 and PUD 40, to allow multiple ground signs holding individual letters and without arterial street frontage, for Lot 9, Block 1, Regal Plaza – BOA Conditionally Approved 08/03/2009.

BL-395 – SpiritBank care of AAB Engineering, LLC – Request for Lot-Split to allow for the separation of a 38' X 199.3' strip of land, containing the angled parking lot strip and north-south internal drive immediately east of the Chick-fil-a restaurant property, from the balance of Lot 4, for its conveyance to the owner of the Chick-fil-a restaurant property – PC Conditionally Approved 12/15/2014 subject to the approval of a PUD Minor Amendment.

RELEVANT AREA CASE HISTORY:

BACKGROUND INFORMATION:

Around the end of 2014 and first part of 2015, the former The Shoppes at Regal Plaza commercial center was acquired and rebranded as "PostRock Plaza" (see www.postrockplaza.com). As a part of the acquisition of the commercial center, the former SpiritBank owner sought and was Conditionally Approved for a Lot-Split, BL-395, to separate part of Lot 4, Block 1, Regal Plaza from the rest of the shopping center ownership, in order to convey the strip of land to the owner of the Chick-fil-a to the west. The Condition of Approval of BL-395 was "subject to a PUD Minor Amendment resolving setback, parking, and any other minor deficiencies to be caused by the Lot-Split." This PUD 40 Minor Amendment # 3 would resolve this issue.

Secondly, as a part of the rebranding to "PostRock Plaza," the large combined development entrance sign at the northeast corner of E. Regal Pl./105th St. S. and Memorial Dr. is being replaced with new

signage bearing the name "PostRock Plaza." The existing sign, permitted pursuant to Architectural Committee approval per case # AC-07-06-03 in 2007, does not comply with certain requirements of the Zoning Code and PUD 40. This PUD 40 Minor Amendment # 3 would also resolve these signage issues. Per the AC-07-06-03 case file, the existing sign is slightly more than 40' in height, due to a crown moulding cornice above the main identification sign element, and contained roughly 660 square feet of display surface area, roughly 78 square feet of which was the "OPTEC" red monochrome LED/Electronic signage element. The proposed new sign will be precisely 40' in height and have less than 500 square feet of display surface area, and so will be shorter and have less display surface area than the existing sign. The new, full-color "Daktronics GP4 Galaxy Pro" LED/Electronic signage element is proposed to be 14' 11" X 7' 9" (116 square feet).

ANALYSIS:

Subject Property Conditions. The subject property consists of all of Regal Plaza, according to the recorded Plat # 6019 thereof. Altogether, the subject property contains approximately 25 acres. The Applicant, under the name Moab Holdings Regal Plaza, LLC, is understood to own most of Lot 4 and all of Lots 7, 8, and 9, which consists of all of the shopping center buildings. The Applicant's property includes parts or all of PUD 40 Development Areas A, B, C, and D. PUD 40 Development Area E consists of the SpiritBank Event Center and the structured parking garage to the south, Lots 12 and 11 of Regal Plaza, respectively.

The subject property is moderately sloped and is designed to drain to an onsite stormwater detention facility underneath the structured parking garage on Lot 11 of Regal Plaza. From this point, it drains southeasterly through Quail Creek Park to the Oliphant drainage and detention system located between 101st St. S. and 111th St. S., which is itself an upstream part of Fry Creek Ditch # 1.

The existing shopping center is presently served by the critical utilities (water, sewer, electric, etc.).

Comprehensive Plan. The Comprehensive Plan designates all of the subject property as (1) Medium Intensity, (2) Commercial Area, and (3) Corridor.

The "Matrix to Determine Bixby Zoning Relationship to the Bixby Comprehensive Plan" ("Matrix") on page 27 of the Comprehensive Plan provides that the existing CS zoning is In Accordance with the Medium Intensity and Corridor designations of the Comprehensive Plan Land Use Map.

Page 7, item numbered 1 of the Comprehensive Plan states:

"The Bixby Comprehensive Plan map depicts desired land uses, intensities and use and development patterns to the year 2020. Intensities depicted for undeveloped lands are intended to develop as shown. Land uses depicted for undeveloped lands are recommendations which may vary in accordance with the Intensities depicted for those lands." (emphasis added)

This language is also found on page 30, item numbered 5.

This text introduces a test to the interpretation of the Comprehensive Plan Land Use Map, in addition to the Matrix: (1) If a parcel is within an area designated with a specific "Land Use" (other than "Vacant, Agricultural, Rural Residences, and Open Land," which cannot be interpreted as permanently-planned land uses), and (2) if said parcel is undeveloped, the "Land Use" designation on the Map should be interpreted to "recommend" how the parcel should be zoned and developed. Therefore, the "Land Use" designation of the Comprehensive Plan Land Use Map should also inform/provide direction on how rezoning applications should be considered by the Planning Commission and City Council.

At the time it was approved, that vacant land was In Accordance with the Commercial Area designation of the Comprehensive Plan, and as it is now developed commercially, it is consistent with this designation.

Per the Matrix, PUDs (as a zoning district) are In Accordance with the Medium Intensity and Corridor designations of the Comprehensive Plan Land Use Map, and thus PUD 40 is In Accordance with the Comprehensive Plan as a zoning district.

Due to the relatively limited scope of proposed changes, the proposed PUD 40 Minor Amendment # 3 should be recognized as being not inconsistent with the Comprehensive Plan.

General. The Applicant is requesting a Minor Amendment to PUD 40 "Regal Plaza," which amendment proposes amending development standards pertaining to the existing development entrance ground sign and its replacement, modifying PUD-imposed setbacks, modifying parking standards, and making certain other amendments.

For the Lot-Split-related amendments, the relevant part of the Staff Report for BL-395 provided:

"Per the Lot-Split exhibits, as the subject property is proposed to be divided, the The Shoppes at Regal Plaza shopping center building at 10438 S. 82nd E. Ave. would fall below the 10' setback, from the

new westerly property line, required within Development Area B of PUD 40. Also, it is not known whether the minimum required parking would be compromised, or compromised further, upon the separation and conveyance of the parking lot strip. Since the underlying CS zoning has no setback required between CS-zoned lots, since the shopping center is built and no parking spaces are expected to be added or lost within the shopping center, and presuming there are mutual parking privileges in place, these matters may be addressed by a PUD Minor Amendment.”

PUD 40 Minor Amendment # 3 proposes modifying certain setbacks within Development Area B. However, the proposed language would not resolve the requirement to maintain a 10’ setback within Development Area B, whose boundaries do not move with the parcel boundary changes. The underlying CS zoning requires no setbacks between abutting commercially-zoned lots. Further, the plat of Regal Plaza provides Mutual Access Easements, lined by U/Es, which serve as effective Building Lines / setbacks. Unless there is a compelling reason to maintain some setbacks, Staff recommends the amendatory language simply remove all the language under “MINIMUM BUILDING SETBACKS:” be replaced with “From all boundaries...0.0 feet.”

To address the parking questions, as recommended by Staff, the Applicant proposes to remove the parking-related language from the affected Development Areas A, B, C, and D, and add a new standard under “Development Standards for All Development Area Lots” pertaining to parking, which recognizes the existing, developed condition of the business center and provides for Planning Commission review and approval of parking standards for any new buildings or building modifications.

Since the proposed changes are minor and are unlikely to elicit objections from the Technical Advisory Committee (TAC) utility company providers, Staff did not place this application on the April 01, 2015 TAC agenda.

Access & Circulation. The Plat # 6019 Regal Plaza subject property has access as follows:

- Memorial Dr. via the E. Regal Pl./105th St. S. Mutual Access Easement private drive,
- Memorial Dr. via the E. Regal Ct. Mutual Access Easement private drive,
- Memorial Dr. via an un-named east-west internal driveway connecting to the 82nd E. Ave. private drive, located north of Chick-fil-a within Lot 4,
- an 82nd E. Ave. connection to an un-named, north-south private drive connecting to 103rd St. S. and all points of access afforded through 101 South Memorial Center, 101 South Memorial Plaza, and 101 Memorial Square to the north, and
- by two (2) driveway connections to Panda Express to the south, which has cross-access to 106th St. S. through the Home Hardware / Builder’s Center / JWI Supply / CWC Interiors hardware, interiors, and supply store in the Grigsby’s Carpet Center subdivision to the south.

Providing internal access for the development, the “streets” within Regal Plaza consist of a parcel of land mutually exclusive from the development lots, which was dedicated as the “Mutual Access Easement” by the plat. The plat did not give names to the “Mutual Access Easement.” The “Regal Place,” “Regal Boulevard,” “Regal Court,” and “S. 82nd E. Ave.” names became associated with the main four (4) such “street” segments at some point. The addresses used within the “back” areas only having frontage on these private ways are all addressed using these [street] names. Although not dedicated as “streets” per se, they were obviously intended as either streets or private mutual access drives. These Mutual Access Easement private drives provide access to parking areas and parking lot drives.

Sidewalks exist along S. Memorial Dr., and were constructed as each outparcel/pad site was constructed.

PUD 40 Minor Amendment # 3 proposes no changes to existing access.

Surrounding Zoning and Land Use. See summary hereinabove.

Staff Recommendation. For all the reasons outlined above, Staff recommends Approval subject to the following corrections, modifications, and Conditions of Approval:

1. Document Section B.b: Please preface the entry with “Amend MINIMUM BUILDING SETBACKS to be as follows:”
2. Document Section B.b: Unless there is a compelling reason to maintain some setbacks, Staff recommends the amendatory language simply remove all the language under “MINIMUM BUILDING SETBACKS:” be replaced with “From all boundaries...0.0 feet.”
3. Document Section B.a: Please preface this section with “Prior to the final sentence under ACCESS, CIRCULATION AND PARKING, add the following:”

4. *Document Section B.a.a: Please amend the first section to read as follows: "The entire development, with the associated parking, has been constructed and no parking changes are currently proposed at the time of this Minor Amendment # 3. All such parking is deemed by the owner of Development Areas B, C, and D to be adequate and sufficient for the current uses."*
5. *Document Section B.a.b: Please revise the first sentence of the amendatory text to be such as follows: "For any new Building Permits to be issued for new construction or reconstruction of any building, minimum and maximum parking requirements may be amended upon Planning Commission approval of the Detailed Site Plan."*
6. *Document Section B.b: Please preface this section with "Amend SIGNS to be as follows:"*
7. *Document Sections B.b.a and B.b.b: Please use quotations containing the numbering system used within the exiting PUD Text framework such as "(1) One (1) ground sign..." and "(2) All other signage..." Subsections can remain lowercase Roman numerals or be changed to bullet points as used elsewhere within the existing PUD Text.*
8. *Document Section B.b.a.ii: Please replace "700'" with "700 square feet."*
9. *Consider whether the existing ground sign, advertising the former Elmer's BBQ Express satellite/pickup store, will be replaced and whether such would need additional PUD text amendatory language to accommodate same. Please address appropriately.*

Mir Khezri of Acura Neon, Inc., 1801 N. Willow Ave., Broken Arrow, stated that the new sign would be smaller than the existing one. Mr. Khezri provided photos and exhibits showing the signs.

Chair Thomas Holland confirmed with Erik Enyart that the recommendations included the 10' setbacks matter. Mr. Enyart stated that this matter was covered by recommendations # 1 and 2.

Chair Thomas Holland recognized Yoko Lam of Acura Neon, Inc., 1801 N. Willow Ave., Broken Arrow, from the Sign-In Sheet. Ms. Lam deferred to Mir Khezri. Mr. Khezri stated that the new sign would use the same footing and foundations as the existing one.

Chair Thomas Holland asked if there were any questions.

There being no further discussion, Chair Thomas Holland asked to entertain a Motion.

Larry Whiteley made a MOTION to APPROVE PUD 40 Minor Amendment # 3 as recommended by Staff. Jerod Hicks SECONDED the Motion. Roll was called:

ROLL CALL:

AYE:	Holland, Whiteley, Whisman, Sutton, and Hicks.
NAY:	None.
ABSTAIN:	None.
MOTION PASSED:	5:0:0

9. **BSP 2015-04 – "Chateau Villas" – Larry Kester of Architects Collective (PUD 81).**
Discussion and possible action to approve a PUD Detailed Site Plan and building plans for "Chateau Villas," a Use Unit 8 multifamily residential and commercial development for approximately 23 in part of the NW/4 NW/4 of Section 01, T17N, R13E.
Property Located: 12303 S. Memorial Dr. and the 8300-block of E. 121st St. S.

Chair Thomas Holland introduced the item and confirmed with Erik Enyart that the Applicant had requested this be Continued to the May 18, 2015 Regular Meeting.

There being no further discussion, Larry Whiteley made a MOTION to CONTINUE BSP 2015-04 to the May 18, 2015 Regular Meeting. Lance Whisman SECONDED the Motion. Roll was called:

ROLL CALL:

AYE: Holland, Whiteley, Whisman, Sutton, and Hicks.
NAY: None.
ABSTAIN: None.
MOTION PASSED: 5:0:0

OLD BUSINESS:

Chair Thomas Holland asked if there was any Old Business to consider. Erik Enyart stated that he had none. No action taken.

NEW BUSINESS:

Chair Thomas Holland asked if there was further New Business to consider. Erik Enyart stated that he had none. No action taken.

ADJOURNMENT:

There being no further business, Chair Thomas Holland declared the meeting Adjourned at 8:22 PM.

APPROVED BY:

Chair

Date

City Planner/Recording Secretary